

federal register

FRIDAY, OCTOBER 10, 1975



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federal register

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Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 21—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Miscellaneous Amendments

On August 19, 1975, there was published in the FEDERAL REGISTER (40 FR 36134) a notice of proposed rulemaking to amend and revise the uniform relocation assistance and real property acquisition policies of the Department.

Interested persons were given an opportunity to submit written data, views or arguments regarding the proposed amendments. No comments were received pursuant to the notice. The amendments are adopted without change, as set forth below.

Effective date: October 15, 1975.

Signed at Washington, D.C. on October 7, 1975.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary
for Administration.

7 CFR Part 21 is amended as follows:

1. The table of sections is amended by adding § 21.504 as follows:

Subpart E—Replacement Housing for Homeowners (over 180 days)

Displaced from Conventional Dwellings.

21.504 Advance payments in condemnation cases.

2. Section 21.202 is amended as follows:

§ 21.202 Business.

(a) * * *

(1) Insert the word "or" after the semi colon.

(2) Insert the word "or" after the semi colon.

(b) During the two taxable years prior to displacement, or during such other period as the agency head determines to be more equitable, the business as described in § 21.202(a) (1), (2), or (3) must have

(1) Had average annual gross receipts of at least \$2,000 in value; or

(2) Had average annual net earnings of at least \$1,000 in value (see § 21.308); or

(3) Contributed at least one-third of the average annual gross income of the

owner(s), including income from all sources, such as welfare if any.

3. Section 21.212 is amended by revising the last sentence in the introductory using the acquisition price determined by the court as compared to the actual price paid or the amount determined necessary to acquire a comparable, decent, safe, and sanitary dwelling; and

(2) If the amount awarded in the condemnation proceedings as the fair market value of the property acquired plus the amount of the recomputed replacement housing payment exceeds the price paid for, or the acquiring agency's determined cost of a comparable dwelling, he will refund to the acquiring agency, an amount equal to the amount of the excess. However, in no event shall he be required to refund more than the amount of the replacement housing payment advanced.

(b) If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and computed on the basis of the final determination using the award as the acquisition price.

7. Section 21.605 is revised to read as follows:

§ 21.605 Making payment to a displaced person who rents replacement housing.

(a) The rental payment to be made shall be paid in a lump sum, except it shall be paid in installments if the displaced person so requests.

(b) Installment payments, not to exceed four equal annual installments, will be made if so requested provided the displacing agency determines that the displaced person is continuing to occupy decent, safe, and sanitary housing at the beginning of each annual period.

8. Section 21.606 is amended by revising paragraph (a) as follows:

§ 21.606 Purchase of a replacement dwelling.

(a) The amount of the payment shall be computed by determining the amount necessary to enable the displaced person to make a down payment and to cover incidental expenses on the purchase of the replacement housing. The amount determined shall be added to the amount required to be paid by the purchaser as points and/or origination or loan services fees if such fees are normal to real

estate transactions in the area, on the comparable dwelling or the replacement dwelling, whichever is the lesser.

(1) The amount of the down payment shall be the lesser of:

(i) The amount that would be required as a down payment for financing a conventional loan on a comparable dwelling; or

(ii) The amount required as a down payment for financing a conventional loan on the replacement dwelling actually purchased.

[FR Doc. 75-27380 Filed 10-9-75; 8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Regulations¹, Amendments—Fees and Expenses

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.² Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

STATEMENT OF CONSIDERATIONS LEADING TO AMENDMENT OF REGULATIONS

The rising costs of maintaining the inspection service in destination markets have made it necessary to increase inspection fees charged for most categories of inspections. The current small lot package fee and base fee for shelled peanuts, pecans or other nuts will remain unchanged.

In order to more nearly recover costs of rendering the service the following adjustments have been made in the inspection schedule of fees and charges applicable in destination markets:

1. For quality and condition inspections: Fees are raised from \$24 to \$26 when more than a half-carlot equivalent is involved.

¹ None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

² Among such other products are the following: Raw nuts; Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

from \$20 to \$22 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from \$48 to \$52.

2. For condition only inspections: Fees are raised from \$20 to \$22 when more than a half-carlot equivalent is involved, from \$18 to \$20 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from \$40 to \$44.

3. The regular hourly rate, where applicable, is increased from \$12 to \$13.

4. The additional hourly charge for overtime or holiday work is increased from \$6 to \$6.50.

5. The fee for inspection of Farmers' Stock Peanuts is increased from \$1.80 to \$2.00 per ton.

Section 51.40, Traveling and other expenses, is amended by deleting the words "at a place where no inspector is located" to provide that expenses may be charged when necessary to more nearly recover the costs of rendering the service. This change is due to increased costs of gasoline and oil as well as an increase in mileage rates.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), § 51.38 Basis for Charges and Section 51.40 Traveling and other expenses of the Subpart—Regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products, are hereby amended to read as follows:

§ 51.38 Basis for charges.²

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans or other nuts, shall be on the following basis:

(1) Quality and condition inspections:

(i) \$26.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) \$22.00 for each half-carlot equivalent or less of an individual product.

(iii) \$52.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) \$22.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) \$20.00 for each half-carlot equivalent or less of an individual product.

(iii) \$20.00 for each half-carlot equivalent or less of an individual product, one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths, or next higher fourths.

(b) The base fee for peanuts (shelled), pecans or other nuts shall be 90 cents

² Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

per ton: *Provided*, That the minimum fee shall be \$12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' Stock peanuts (unshelled) shall be \$2.00 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspections may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of \$13.00 per hour.

(d) Notwithstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required, the following rates may be applied:

1 to 25 packages inclusive	\$4.00
26 to 50 packages inclusive	5.00
51 to 150 packages inclusive	7.00
151 to 1/2 customary carlot equivalent	11.00

(e) Whenever inspections are performed at the request of the applicant during periods which are outside the inspector's regular scheduled workweek, a charge for overtime or holiday work shall be made at the rate of \$6.50 per hour or portion thereof in addition to the regular commercial lot or hourly fees specified in this subpart. Holidays are those specified in title 5, U.S.C., 6103(a).

§ 51.40 Traveling and other expenses.

Costs including travel incurred by the Agricultural Marketing Service in providing inspection service or costs in appeal inspections requiring a second inspector may be charged to the applicant. These charges shall be included with the fee for inspection on the bill furnished the applicant.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than October 12, 1975 (5 U.S.C. 553) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, 7 U.S.C. 1622, 1624).

³ For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

Dated: October 7, 1975, to become effective at 12:01 a.m., October 12, 1975.

WILLIAM H. WALKER III,
Acting Administrator.

[FR Doc.75-27352 Filed 10-9-75;8:45 am]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Regulations Governing Inspection and Certification, Amendment—Basis for Charges

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products. Such inspection and certification is voluntary and is made available upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

STATEMENT OF CONSIDERATION LEADING TO AMENDMENT OF REGULATIONS

The rising costs of maintaining the inspection service has made it necessary to adjust inspection fees. These adjustments will compensate for 1975 increases in Government employee salaries as authorized by the Congress; personnel benefits, and costs of supplies, services, and equipment. In addition, these increases will compensate for other cost such as:

1. continued increases in GSA rent, postal rates and other overhead charges;
2. increased expenses and per diem charges;
3. decreased requests for inspection services; and
4. decrease in government purchases requiring USDA inspection.

The fiscal balance in the inspection service trust fund has fallen below a reasonable operating level. In fiscal year 1975 the balance was depleted almost \$0.7 million. Fee charges as herein revised will balance inspection service costs with revenues, while continued reductions in indirect operating costs will restore a proper fiscal balance in the trust fund.

Accordingly, §§ 52.42 and 52.52—charges for inspection services on a contract basis—are being revised to recover increased costs.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621-1627), §§ 52.42, 52.47(b), and 52.52 (c) (1), (2), and (4) and (d) (1), (3), and (4) are hereby amended to read as follows:

§ 52.42 Schedule of fees.

Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in this part, including analyses specified in Section 52.47, shall be at the rate of \$17.40 per hour.

§ 52.47 Charges for micro, chemical and certain other special analyses.

(b) * * *

Type of analyses:

(1) Aflatoxin

	Hours
Minicolumn method.....	1
B. F. Method (peanuts, peanut meal, peanut butter, other products).....	1
Corn, Brazil nuts, pistachios.....	2

§ 52.52 Charges for inspection services on a contract basis.

(c) Charges for year-round in-plant inspection services on a contract basis will be billed to the applicant at least once each 28 days for all hours worked with a minimum of 40 hours per week, holiday pay and night differential for each inspector assigned to perform the inspection services in accordance with the following schedules:

(1) For personnel assigned on a year-round basis: Each inspector—\$13.40 per hour.

(2) For personnel assigned on less than a year-round basis: Each inspector—\$17.40 per hour.

(3) * * *

(4) *Holiday pay.* An eight (8) hour charge will be made for each person assigned at their regular hourly rate. When work is performed an additional hour at the regular hourly rate will be charged for each hour worked.

(d) Charges for less than year-round in-plant inspection services on a contract basis will be billed to the applicant at least once each 28 days for all hours with a minimum of 40 hours per week, holiday pay and night differential for each inspector assigned to perform the inspection services in accordance with the following schedules:

(1) Each inspector—\$19.40 per hour.

(2) * * *

(3) *Holiday pay.* An eight (8) hour charge will be made for each person assigned at their regular hourly rate. When work is performed an additional hour at the regular hourly rate will be charged for each hour worked.

(4) *Night differential.* A 10 percent night differential will be charged for all work performed between the hours of 6 p.m. and 6 a.m.

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action later than October 12, 1975, (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered, (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments, and (3) additional time is not

required by the users of the inspection service to comply with this amendment. (Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, (7 U.S.C. 1622, 1624).)

Dated to become effective at 12:01 a.m., October 12, 1975.

Dated: October 7, 1975.

WILLIAM H. WALKER III,
Acting Administrator.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

[FR Doc.75-27357 Filed 10-9-75;8:45 am]

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Regulations Fees for Grading Service

This document updates the regulations under which voluntary meat grading and related services are provided by increasing the hourly fees charged to users of this self-supporting service.

The Agricultural Marketing Act of 1946 provides for the collection of fees approximately equal to the cost of Federal meat grading services rendered under its provisions. Salaries paid to Federal employees have been increased under the provisions of Public Law 92-210. Therefore, it has been determined that in order to cover the costs of providing Federal meat grading services, including increases in salaries paid to Federal employees as well as other significant increases in associated costs of administering the program, the hourly fee must be increased as provided for herein.

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29 (a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrases "\$14.60 per hour," "\$17.60 per hour," and "\$29.20 per hour," to "\$16.20 per hour," "\$19.20 per hour," and "\$32.40 per hour," respectively.

The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective October 26, 1975, with respect to all Federal meat grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made.

(Sections 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C. this 7th day of October 1975.

WILLIAM H. WALKER III,
Acting Administrator.

[FR Doc. 75-27353 Filed 10-9-75; 8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 15]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period October 12-18, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.315 Lemon Regulation 15.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is unchanged this week. Average f.o.b. price was \$8.44 per carton the week ended October 4, 1975, compared to \$8.42 per carton the previous week. Track and rolling supplies at 52 cars were up 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 7, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 12, 1975, through October 18, 1975, is hereby fixed at 210,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 8, 1975.

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-27640 Filed 10-9-75; 12:04 pm]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 966—TOMATOES GROWN IN FLORIDA

Expenses and Rate of Assessment

This document authorizes the Florida Tomato Committee to spend not more than \$111,000 for its operations during

the fiscal period ending July 31, 1976, and to collect 0.35 cent per 30-pound equivalent of assessable tomatoes handled by first handlers.

The committee is the administrative agency established under Marketing Agreement No. 125 and Order No. 966, both as amended, regulating the handling of tomatoes grown in designated counties in the State of Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the September 17 FEDERAL REGISTER (40 FR 42887) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than October 3, 1975. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following budget and rate of assessment should be issued.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the relevant provisions of this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable tomatoes from the beginning of such period.

§ 966.212 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1976, by the Florida Tomato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to \$111,000.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be 0.35 cent (\$0.0035) per 30-pound container or equivalent quantity, of tomatoes handled by him as the first handler thereof during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Dated: October 7, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-27354 Filed 10-9-75; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—ANIMAL WELFARE

PART 11—HORSE PROTECTION REGULATIONS

Devices and Substances for Use on Horses at Certain Horse Shows; Correction

FEDERAL REGISTER Document 75-22053, published at pages 36553-36554 in the is-

sue dated Thursday, August 21, 1975, is corrected by changing the references to "§ 11.2(d) (1)" in item 5 to read "§ 11.2(d) (2)" and "§ 11.2(d) (2)" in item 6 to read "§ 11.2(d) (1)", respectively.

Done at Washington, D.C., this 7th day of October 1975.

E. A. SCHILF,
Acting Deputy Administrator,
Animal and Plant Health In-
spection Service, Veterinary
Services.

[FR Doc.75-27358 Filed 10-9-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Markup on Wholesale and Retail Sales of Propane To Reflect Non-Product Cost Increases

A. Introduction. On April 30, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 19659, May 6, 1975) in which the FEA proposed to review the adequacy or inadequacy of the standard markup allowed in wholesale and retail sales of propane to reflect increases in dealers' non-product costs. Twenty-one written comments were received in response to the notice of proposed rulemaking and oral presentations were made by four persons at the public hearings held on May 28, 1975. All these comments and presentations were considered by the FEA, as well as other information available to FEA, in arriving at the final amendment adopted today.

Under 10 CFR 212.93(a), a wholesaler or retailer of propane is permitted to charge a price which is its weighted average lawful price for propane to the class of purchaser concerned on May 15, 1973, plus an amount which reflects a dollar-for-dollar pass through of the increased cost of propane since May 15, 1973. In addition, under 10 CFR 212.93(b)(4), adopted effective April 1, 1974, a wholesaler is permitted to add one-half cent per gallon to the price otherwise permitted to be charged in wholesale sales of propane and a retailer was permitted, prior to today's amendment, to add one cent per gallon to the price otherwise permitted to be charged in retail sales of propane, to reflect increases in non-product costs (wages, rent, utilities, interest, insurance, etc.). Under the amendment adopted today, the wholesale markup remains unchanged and the amount permitted to be charged in retail sales of propane to reflect increases in non-product costs under § 212.93(b)(4) has been increased from one cent to three cents per gallon.

Parallel provisions of the price regulations applicable to retail sales of propane by refiners through company owned and operated marketing outlets also permitted, prior to today's amendment, subject to the profit margin limitation applicable to refiners, price increases of one cent

per gallon at the retail level and one-half cent per gallon with respect to all other sales, to reflect increased non-product costs (10 CFR 212.87(c)(4)(vi)). The amendment adopted today leaves unchanged the one-half cent markup permitted for refiners under § 212.87(c)(4)(vi) with respect to all sales other than retail sales and increases from one cent to three cents the markup permitted to be charged by refiners in retail sales to reflect increases in non-product costs.

Under both §§ 212.93(b)(4) and 212.87(c)(4)(vi), however, the two-cent increase in the markup applicable to retail sales has not been applied to bulk sales of propane to public utilities, synthetic natural gas plants or the petrochemicals industry.

In its notice of proposed rulemaking, the FEA indicated that the proposal to review the standard markups in wholesale and retail sales of propane to reflect non-product cost increases was prompted by two main considerations: (1) The fact that more than one year has expired since the one-half cent and one cent wholesale/retail markups on propane sales were established, and (2) the fact that the FEA received a report prepared for the National LP-Gas Association on LP gas retail operating costs concluding that, based on a national sample of 178 gas marketers selected as representative of the industry, retail operating costs in the end of 1973 and the end of 1974.

The FEA also stated in its notice of proposed rulemaking that the FEA did not have sufficient data as to whether an adjustment at the wholesale level is needed and that FEA would be guided in this respect by written and oral comment received, and all other relevant data.

B. Background issues—1. Nature and purpose of standard markups. While the great majority of comments received supported an increase in the markup permitted under § 212.93(b)(4) to reflect increases in non-product costs at the retail level, a few commentators opposed as inflationary any increase in that markup. In the view of FEA, a regulatory change to permit a retail price increase which reflects nothing more than a dollar-for-dollar pass-through to the consumer of increased non-product costs which were passed through to or otherwise incurred by the retailer cannot be rejected simply on the basis that they will result in increased prices. Price increases of this kind are not generated by the retailer. Moreover, the retailer's margin of profit as a percentage of sales generally have been reduced under the FEA's dollar-for-dollar limitation on cost pass-through.

The FEA is aware, on the other hand, that any price increase is viewed by the consumer as "inflationary" no matter how well justified, and that although the impact of price increases on consumers must be considered, the impact on the viability of propane retailers resulting from an inability to increase prices to reflect increased non-product costs must also be considered, and an appropriate balance must be achieved.

Rather than permitting the automatic pass-through of the actual non-product cost increases of each firm (as in the case of product cost increases), the current regulations apply a standard, industry-wide unit markup for each petroleum product to reflect non-product cost increases at the wholesale and retail level (§§ 212.93(b)(4) and 212.87(c)(4)(vi)). However, this limitation is not intended generally to discourage pass-through of non-product cost increases. As previously explained by FEA, this rule was instituted, beginning in Phase IV, primarily due to administrative considerations relating to the fact that (1) hundreds of thousands of small firms were subject to pass-through controls for the first time (the small business exemption, otherwise generally applicable in Phase IV and prior thereto, did not apply to the petroleum industry in Phase IV), and (2) accurate calculation of actual increased non-product cost increases on a per-gallon basis by each individual service station or other small petroleum wholesale or retail business could not be realistically expected. A standardized cent-per-gallon markup was therefore developed for certain covered products as sold at the wholesale and retail level, to assure that non-product cost increases would be guided by and limited to broadly-based cost increase data where accurate firm-by-firm data is not available.

Accordingly, the standard markup concept has served two functions: (1) It has provided a guide as well as a ceiling for the great majority of firms which have probably incurred non-product cost increases at or in excess of the rate prescribed by the standard margin but which are unable to calculate actual non-product cost increases on a per-gallon basis with accuracy, and (2) for those firms (particularly larger firms, such as refiners with wholesale or retail outlets) which are experienced in calculating non-product cost increases on a per-gallon basis, it has provided a ceiling which limits the pass-through of the firm's actual non-product cost increases on a per-gallon basis.

These standardized markups, which represent in each case a conservative rate at or above which the great majority of firms concerned experienced non-product cost increases at the time the markups were authorized, are therefore necessarily provisional and subject to updating from time to time as non-product costs increase or decrease. A periodic regulation amendment to adjust the markup allowed on non-product cost increases therefore represents no departure from the purpose or general tenor of the regulation concerned. Instead, such an amendment serves to fulfill the purpose of that regulation by conforming its terms to current cost conditions.

2. Authority to impose standard markups. Some comments were received to the effect that the FEA should not restrict the pass-through of non-product cost increases on propane sales to standard markups but should permit each propane dealer to pass through 100 percent of his own non-product cost increases, whatever

they may be. Such comments were based on the view that the Emergency Petroleum Allocation Act of 1973 authorizes or requires full pass-through of the non-product cost of each dealer.

Section 4(b)(2) of the Act provides that the petroleum price regulations "shall provide for a dollar-for-dollar pass-through of net increases in the cost of crude oil, residual fuel oil, and refined petroleum products to all marketers or distributors at the retail level." This provision has been consistently interpreted by FEA and its predecessor agencies, FEO and CLC, to require automatic pass-through (i.e., without proration or application of the profit margin limitation) of product cost increases but not of non-product cost increases. This is because section 4(b)(2) refers only to net increases in the cost of crude oil and petroleum products. Thus, the petroleum price regulations since the beginning of Phase IV have made a basic distinction at all levels between product cost increases, which have been permitted to be passed through freely on a dollar-for-dollar basis, and non-product cost increases, which have also been passed through on a dollar-for-dollar basis but as a price increase which could be charged only in accordance with any applicable rules such as proration and the profit margin limitation.

Therefore, while the petroleum price regulations have in fact generally permitted independent petroleum retailers to pass through both product and non-product cost increases (subject to the standard markup for non-product cost increases), section 4(b)(2) does not apply to limit FEA authority to control the degree to which price increases at the retail level may reflect non-product cost increases.

C. Adjustment to standard markups—1. Retail sales of propane. The report prepared for the National LP-Gas Association on LP gas retail operation costs, which was referred to in FEA's notice of proposed rulemaking and in Section A, above, is the most comprehensive survey available to FEA on this subject. Prepared by an independent accounting firm, the report was based on a random selection of LP gas retail dealers in five national regions (Northeast, Southeast, Midwest, Southwest and Far West) and multi-state LP gas dealers.

A total of 592 potential participants in the study were contacted, of which 308 agreed to participate. Of this total, 219 filled out and returned the survey cost questionnaire. Forty-one of these were not fully responsive due to such factors as inability to isolate LP-related costs from costs related to the sale of other products, non-availability of annual data at the time the questionnaire was submitted, and non-availability of adequate data on certain cost elements. As a result, the survey was based on cost figures from the 178 firms from which complete data was received.

This cost data was grouped into six data sets, representing a breakdown of the 178 firms into the five regions and multi-state firms. Figures for each of

the six data sets were weighted according to the ratio that sales volume of LP gas in each group bears to total national LP sales. Thus, the conclusions of the study were derived from weighted average figures which are more representative than figures derived by dividing total costs reported by all 178 firms by the total volume of propane sold those firms.

The report found that payroll expenses alone had increased by 1.0 cent per gallon. Taking into account all operating expenses, the report concluded that operating costs increased by a total of 2.0 cents per gallon, from 9.8 cents/gallon for the calendar year 1973 to 11.8 cents for the year ended December 31, 1974. The study was undertaken in February-March, 1975, and submitted on April 3, 1975.

None of the written comments or oral presentations contained cost data as broad or as well developed as that in the report prepared for the National LP-Gas Association. However, data and recommendations provided in connection with this rulemaking were useful in providing further support for the conclusions reached in the 178-firm survey. Commenting firms provided data which supported an increase in the standard margin to reflect increases in non-product costs. The recommended increase ranged from 1.5 cents per gallon to 3 cents per gallon. These figures, which indicate that increases in non-product costs do vary from firm to firm, lend support to the soundness of the survey's conclusions and indicate that a 2.0 cents per gallon increase in the margin allowed to reflect non-product costs in retail sales of propane is appropriate.

The 1-cent margin authorized effective April 1, 1974, represented the estimated average increase in retail dealers' non-product costs between May, 1973, and that date. As indicated above, the 178-firm survey was based on annual cost figures for the years ended December 31, 1973, and December 31, 1974. Thus, there is a degree of overlapping in the statistical basis for the April, 1974 increase and the LP gas survey. However, the LP gas survey indicates an annual rate of increase which, although based entirely on the net non-product cost differences between calendar year 1973 and 1974, appears no less valid for the period April 1974-April 1975, in view of the general continuation into 1975 of the economic conditions of 1974.

In view of all the foregoing considerations, plus the fact that further non-product cost increases have undoubtedly been incurred during the five months which have elapsed since receipt of the 178-firm survey, the FEA has concluded that under conservative criteria of analysis a 2.0-cent increase in the markup to reflect non-product cost increases in connection with retail sales of propane under §§ 212.93(b)(4) and 212.87(c)(4) (vi) is now justified, subject to the qualification noted below.

It has come to FEA's attention that certain large retailers of propane (particularly refiners with retail outlets) may be incurring increased non-product costs

at lesser rates than those authorized today to reflect non-product costs increases. This is because the customers of these retailers, although ultimate consumers, are not home, farm, or small commercial purchasers but are large commercial users of propane. Where the retail customers are large industrial or commercial ultimate consumers which buy in bulk quantities, the retailer's operating costs are often significantly less on a per-gallon basis than those of the great majority of retailers which serve small consumers.

While competition may well keep such retailers from charging the full standard markup authorized today to reflect non-product cost increases and thus prevent such retailers from realizing more than a dollar-for-dollar pass-through of actual non-product cost increases, nevertheless the FEA is concerned that the standard markup allowed may be misconstrued as authorizing price increases which are not fully cost-justified, despite the fact as indicated in Section B.1, above, that FEA does not interpret the standard markup rules as authorizing a pass-through of the full standard markup in those relatively few cases in which the seller is able to calculate non-product cost increases on a per-gallon basis and its actual non-product cost increases have not reached on a per-gallon basis the level specified by the applicable standard markup.

The FEA has therefore taken two steps in order to assure that no more than a dollar-for-dollar pass-through of actual non-product cost increases is realized.

First, the FEA issued Ruling 1975-14 on August 29, 1975, which, consistent with the foregoing discussion, explains that the standard markup to reflect non-product cost increases of resellers, reseller-retailers and retailers of petroleum products does not necessarily permit the seller to pass through the full standard markup applicable to the product and level of distribution concerned and that the FEA reserves the right, in appropriate cases, to challenge price increases which do not reflect the seller's actual non-product cost increases. Such challenges will be directed primarily toward large-volume sales, which tend to result in lower non-product cost increases on a per-unit basis because the seller's fixed costs are spread over a greater number of units compared with average sales volumes. Sellers with average or below-average sales volumes, and particularly those which in FEA's judgment cannot reasonably be expected to compute actual non-product cost increases on a per-gallon basis, will be presumed to have incurred non-product cost increases at or above the standard margin authorized.

Second, the additional two-cent markup authorized today to reflect non-product cost increases in connection with retail propane sales under §§ 212.93(b)(4) and 212.87(c) has been made inapplicable in any retail sales of propane to the petrochemicals industry, public utilities, or synthetic natural gas plants. The large volume of sales involved, plus

the proportionately smaller retail operating costs compared with those retail outlets selling to household customers and to farm and small commercial users, results in substantially smaller non-product cost increases on a per-gallon basis in these cases. In addition, the 178-firm study previously referred to did not consider increased non-product costs in the marketing operations of refiners or other firms engaged in retail sales of propane to the petrochemicals industry or other large industrial end-users in concluding that non-product costs have increased by two cents a gallon. Therefore, in addition to the general considerations noted above, the FEA has received no data upon which to conclude that the additional two-cent markup authorized today to reflect non-product cost increases of propane retailers should be applied in any retail sales of propane to the petrochemicals industry, public utilities or synthetic natural gas plants.

2. *Wholesale sales of propane.* As noted in Section A, above, the FEA stated in its notice of proposed rulemaking in this matter that FEA did not have sufficient data as to whether an adjustment in the margin allowed to reflect increases in non-product costs at the wholesale level was needed and that FEA would be guided in this respect by written and oral comment received and other relevant data.

No useful data was submitted which would support an increase in the markup allowed at the wholesale level. For example, of the few comments received on the wholesale markup, a national dealer association recommended a one cent increase at the wholesale level solely on the basis that this would represent the same relationship to the proposed two cent increase at the retail level as existed between the respective one-half cent and one cent margins which were authorized prior to the amendment adopted today.

One wholesale LP gas dealer opposed any increase in the wholesale margin on the ground that profit margins in May 1973 (the base period) were abnormally high for propane dealers and that any non-product cost increases since that time could be and should be absorbed by the wholesale dealers.

Two wholesalers indicated that the only significant non-product cost increases for wholesalers since May 1973, has been for storage costs. One of these firms recommended a one cent/gallon increase in the wholesale margin on the basis of a \$250,000 expenditure it had incurred on new storage and loading facilities. However, capital expenditures such as this are not normally treated as non-product (operating) cost increases, since provision for replacement of existing capital facilities is ordinarily built into existing cost and price levels and expenditures for plant expansion normally result in increased volume of sales (and therefore profit) with which to cover amortized expansion costs.

Non-product costs and cost increases at the wholesale level have traditionally been substantially smaller than those at the retail level. In view of this fact and

the general lack of data adequate to support any adjustment in the wholesale margin, FEA concludes that it would be inappropriate at this time to adjust the margin allowed to reflect non-product cost increases at the wholesale level with respect to propane sales.

This amendment has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. 93-159, as amended by Pub. L. 93-511 and Pub. L. 94-99; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 212 of Chapter II, Title 10, Code of Federal Regulations, is amended as set forth below, effective October 1, 1975.

Issued in Washington, D.C., October 7, 1975.

ROBERT E. MONTGOMERY, JR.,

General Counsel,

Federal Energy Administration.

1. Section 212.87 is amended to revise paragraph (c) (4) (vi) to read as follows:

§ 212.87 Increased non-product costs.

(c) *Defined categories of non-product costs.* . . .

(4) *Marketing cost increase.* . . .

(vi) allow an increase in the price of propane, in sales after September 30, 1975, above the prices otherwise permitted to be charged for propane pursuant to the provisions of this part by an amount not in excess of three cents per gallon with respect to all retail sales except those to the petrochemicals industry, to public utilities, and to synthetic natural gas plants; one cent per gallon with respect to retail sales to the petrochemicals industry, to public utilities, and, to synthetic natural gas plants; and one-half cent per gallon with respect to all other sales; and where:

"Cost of marketing covered products" means the costs attributable to marketing operations with respect to covered products under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned. A refiner must prepare a schedule itemizing the principal costs included in this category and describing the accounting procedures by which they are calculated.

2. Section 212.93 is amended to revise paragraph (b) (4) to read as follows:

§ 212.93 Price rule.

(b) . . .

(4) With respect to propane sales beginning with October, 1975: in all retail sales except those to the petrochemicals industry, to public utilities, and to synthetic natural gas plants, a seller may charge three cents per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the

provisions of this section to reflect non-product cost increases which the seller incurred after May 15, 1973; in all retail sales to the petrochemicals industry, to public utilities, and to synthetic natural gas plants, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases which the seller incurred after May 15, 1973; and, with respect to all other sales, a seller may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases which the seller incurred after May 15, 1973.

[FR Doc. 75-27290 Filed 10-7-75; 11:25 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Corporations and Other Profit-Making Entities Maintaining Savings Accounts in Insured Nonmember Commercial Banks

Correction

In FR Doc. 75-26880 appearing at page 46301 in the issue of Tuesday, October 7, 1975, on page 46302 the first line of the second column should be transferred down to the top of the footnote in the same column.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2716]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Borg-Warner Corporation

Correction

In FR Doc. 75-25747 appearing on page 44311 of the issue for Friday, September 26, 1975, the following correction is made:

Page 44312, left hand column, Ordering paragraph X, sixth line add after the word "dissolution," the following: "assignment or sale resulting in the emergence of a successor corporation or the creation or dissolution of subsidiaries."

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-27238 Filed 10-9-75; 8:45 am]

[Docket C-2727]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hair Replacement Centers of Flushing, Inc., etc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.155 Prices; 13.155-5 Ad-

ditional charges unmentioned; § 13.170 Qualities or properties of product or service; 13.170-24 Cosmetic or beautifying; 13.170-30 Durability or permanence; § 13.190 Results; § 13.195 Safety; § 13.205 Scientific or other relevant facts. Subpart—Contracting for sale in any form binding on buyer prior to specified time period; § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; 13.533-10 Corrective advertising; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods; § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts.—Prices; § 13.1778 Additional costs unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1882 Prices; 13.1882-10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Hair Replacement Centers of Flushing, Inc., a corporation, trading also as American Hair Design Centers, and Jan Felson, individually and as an officer of said corporation

Consent order requiring a Flushing, N.Y., promoter of a hair implant system, among other things to cease misrepresenting the nature, appearance and other related characteristics of its system; and failing to disclose that their system involves surgical procedures and continually requires special care. Further respondents are required to devote 15 percent of all of their advertisements to warning prospective customers of the inherent dangers associated with their system of hair implant replacement.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

ORDER

It is ordered, That respondent Hair Replacement Centers of Flushing, Inc., a corporation, trading also as American Hair Design Centers, and/or under any other name or names, its successors and assigns and its officers, and Jan Felson, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device or through franchisees or licensees, in connection with the advertising, offering for sale, sale, or distribution of the implant replace-

ment system or other hair replacement product or process involving surgery (hereinafter sometimes referred to as the "System"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12 (a) (1) of the Federal Trade Commission Act do forthwith cease and desist from representing, directly or by implication:

1. That the System does not involve wearing a device or cosmetic which is like a hairpiece or toupee;

2. That after the System has been applied, the hair applied becomes part of the anatomy like natural hair, and has the following characteristics of natural hair:

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair where care involves possible pulling on the hair;

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

3. That after the System has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the System, and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered, That respondents, in advertising, offering for sale, selling or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure resulting in the implantation of synthetic sutures in the scalp, to which hair is affixed.

2. By virtue of the surgical procedure involving implantation of synthetic sutures in the scalp, and by virtue of the synthetic suture remaining in the scalp, there is a risk of discomfort, pain, infection, scarring, and other skin disorders.

3. Continuing special care of the System is necessary to minimize the probabilities and risks referred to in subparagraph two of this paragraph, and such care may involve additional costs for medications and assistance.

4. The purchaser is advised to consult with his personal physician about the System before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale, or distribution of the System, and shall devote no less than 15 percent of each advertisement or presentation to such disclosures. *Provided, however*, That in advertisements which consist of less than ten column inches in newspapers and periodicals, and in radio and television advertisements with a running time of one minute or less, respondents may substitute the following statement, in lieu of the above requirements:

Warning: This application involves surgery whereby synthetic sutures are placed in the scalp. Discomfort, pain, and medical problems may occur. Continuing care is necessary. Consult your own physician.

No less than 15 percent of such advertisements shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least eleven point type.

It is further ordered, That respondents, in connection with the sale of the System, provide prospective purchasers with a separate disclosure sheet containing the information required in the immediately preceding Paragraph of this Order, Subparagraphs One (1) through Four (4) thereof, and that respondents require that, prior to executing any contract to purchase said System, such prospective purchasers, sign and date the disclosure sheet after the sentence, "I have read the foregoing disclosures and understand what they mean," and that Hair Replacement Centers of Flushing, Inc. provide a copy of said disclosure sheet to the customers and retain such signed disclosure sheet for at least three years.

It is further ordered, That, in connection with the sale of the System, no contract for application of the System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of the System, that the purchaser may rescind or cancel any obligation incurred by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed.

It is further ordered, That respondents, in connection with the advertising, offering for sale, sale or distribution of the System, serve a copy of this Order upon each present and every future licensee or franchisee, and upon each physician participating in application of respondents' System, and obtain written acknowledgment of the receipt thereof; and that respondents obtain from each present and future licensee or franchisee

¹ Copies of the Complaint, Decision and Order, filed with the original document.

an agreement in writing, (1) to abide by the terms of this Order, and (2) to cancellation of their license or franchise for failure to do so; and that respondents cancel the license or franchise of any licensee or franchisee that fails to abide by the terms of this Order. Respondents shall retain such acknowledgments and agreements for so long as such persons or firms continue to participate in the application or sale of respondents' System.

It is further ordered, That respondents, in connection with the advertising, offering for sale, sale, or distribution of the System, forthwith distribute a copy of this Order to each of their operating divisions or departments.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this Order; *Provided*, That if said respondent wishes to present to the Commission any reasons why said Order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That the individual respondent Jan Felson promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further understood that nothing contained in this Order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies.

Nothing in this Order shall be construed to imply that any past or future conduct of respondents is subject to and complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the man-

ner and form in which they have complied with this order.

The decision and order was issued by the Commission September 15, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-27297 Filed 10-9-75; 8:45 am]

[Docket C-2726]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Orlando of Calabria, Inc., etc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.155 Prices; § 13.155-5 Additional charges unmentioned; § 13.170 Qualities or properties of product or service; § 13.170-24 Cosmetic or beautifying; § 13.170-30 Durability or permanence; § 13.190 Results; § 13.195 Safety; § 13.205 Scientific or other relevant facts. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-10 corrective advertising; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. —Prices: § 13.1778 Additional costs unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 Prices; § 13.1882-10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1892 Sales contract, right-to-cancel provision, § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Orlando of Calabria, Inc., a corporation, trading also as Orlando of Italy or under any other name or names, its successors and assigns and its officers, and Orlando Jiacinto, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device or through franchisees or licensees, in connection with the advertising, offering for sale, sale, or distribution of the implant replacement system or other hair replacement product or process involving surgery (hereinafter sometimes referred

¹ Copies of the Complaint, Decision and Order filed with the original document.

to as the "System"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12(a) (1) of the Federal Trade Commission Act do forthwith cease and desist from representing, directly or by implication:

1. That the System does not involve wearing a device or cosmetic which is like a hairpiece or toupee;

2. That after the System has been applied, the hair applied becomes part of the anatomy like natural hair, and has the following characteristics of natural hair:

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair where care involves possible pulling on the hair;

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

3. That after the System has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the System, and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered, That respondents, in advertising, offering for sale, selling or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure resulting in the implantation of synthetic sutures in the scalp, to which hair is affixed.

2. By virtue of the surgical procedure involving implantation of synthetic sutures in the scalp, and by virtue of the synthetic suture remaining in the scalp, there is a risk of discomfort, pain, infection, scarring, and other skin disorders.

3. Continuing special care of the System is necessary to minimize the probabilities and risks referred to in Subparagraph Two of this Paragraph, and such care may involve additional costs for medications and assistance.

4. The purchaser is advised to consult with his personal physician about the System before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale, or distribution of the System, and shall devote no less than 15 percent of each advertisement or presentation to such disclosures. *Provided, however*, That in advertisements which consist of less than ten column inches in newspapers and periodicals, and in radio and television advertisements with a running time of one minute or less, respondents may substitute the following statement, in lieu of the above requirements:

Warning: This application involves surgery whereby synthetic sutures are placed in

the scalp. Discomfort, pain, and medical problems may occur. Continuing care is necessary. Consult your own physician.

No less than 15 percent of such advertisements shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least eleven point type.

It is further ordered. That respondents, in connection with the sale of the System, provide prospective purchasers with a separate disclosure sheet containing the information required in the immediately preceding Paragraph of this Order, Subparagraphs One (1) through Four (4) thereof, and that respondents require that, prior to executing any contract to purchase said System, such prospective purchasers, sign and date the disclosure sheet after the sentence, "I have read the foregoing disclosures and understand what they mean," and that Orlando of Calabria, Inc., provide a copy of said disclosure sheet to the customers and retain such signed disclosure sheet for at least three years.

It is further ordered. That, in connection with the sale of the System, no contract for application of the System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of the System, that the purchaser may rescind or cancel any obligation incurred by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed.

It is further ordered. That respondents, in connection with the advertising, offering for sale, or distribution of the System, serve a copy of this Order upon each present and every future licensee or franchisee, and upon each physician participating in application of respondents' System, and obtain written acknowledgment of the receipt thereof; and that respondents obtain from each present and future licensee or franchisee an agreement in writing, (1) to abide by

the terms of this Order, and (2) to cancellation of their license or franchise for failure to do so; and that respondents cancel the license or franchise of any licensee or franchisee that fails to abide by the terms of this Order. Respondents shall retain such acknowledgments and agreements for so long as such persons or firms continue to participate in the application or sale of respondents' System.

It is further ordered. That respondents, in connection with the advertising, offering for sale, or distribution of the System, forthwith distribute a copy of this Order to each of their operating divisions or departments.

It is further ordered. That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered. That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this Order; provided That if said respondent wishes to present to the Commission any reasons why said Order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered. That the individual respondent Orlando Jiacinto promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further understood that nothing contained in this Order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies.

Nothing in this Order shall be construed to imply that any past or future conduct of respondents is subject to and complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

It is further ordered. That the respondents herein shall within sixty (60) days after service upon them of this Or-

der, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The decision and order was issued by the Commission September 15, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-27298 Filed 10-9-75; 8:45 am]

[Docket C-1110]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Winn-Dixie Stores, Inc.

For codification under Part 13, see FR 10205.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

In the matter of Winn-Dixie Stores, Inc.

Order modifying an earlier order dated Sept. 14, 1966, 70 F.T.C. 611, 31 FR 13080, modified June 24, 1968, 73 F.T.C. 1056, 33 FR 10205, pursuant to order of the United States District Court for the Middle District of Florida, 377 F. Supp. 733, 9 S. & D. 1016, by requiring prior Commission approval of food store acquisitions by respondent only in those States or subdivisions where respondent presently operates such stores or departments.

The order reopening proceeding and modifying order to cease and desist is as follows:

ORDER REOPENING PROCEEDING AND MODIFYING ORDER TO CEASE AND DESIST

The Federal Trade Commission, having issued a Consent Order herein on September 14, 1966, and having modified said Consent Order on June 24, 1968, and the United States District Court for the Middle District of Florida having enjoined the Commission from failing to reopen the consent order proceeding for the purpose of modifying the order in accordance with the order entered by the Commission against the Kroger Company in FTC Docket No. C-2067; now therefore,

It is ordered. That this matter be, and it hereby is reopened.

It is further ordered. That the order issued in this matter on September 14, 1966, as modified on June 24, 1968, be, and it hereby is, modified to read as follows:

It is ordered. That: (A) For a period of ten (10) years from September 14, 1966, to the extent specified in subparagraphs (B) and (C) below, Winn-Dixie Stores, Inc., shall not merge with or acquire, directly or indirectly, through subsidiaries or in any other manner, except with the prior approval of the Commission upon written application, the whole or any part of any grocery store (an establishment classification in Industry No. 5411,

¹ Copies of the order reopening proceedings and modifying order to cease and desist filed with original documents.

Standard Industrial Classification Manual, 1967 revision, or a grocery department in a non-food store, where such acquisition involves:

(1) Five (5) or more grocery stores or grocery departments in non-food stores, or

(2) Annual grocery store or grocery department sales of more than five million dollars (\$5,000,000), or

(3) Combined (Winn-Dixie and the grocery stores or grocery departments to be merged or acquired) grocery store or grocery department sales of more than five percent (5 percent) of total grocery or food store sales in any city or county in the United States.

(B) The prohibition contained in subparagraph (A) shall apply to any merger or acquisition of grocery stores or grocery departments in non-food stores located in the following described areas of the United States: The States of Alabama, Florida, Georgia, Kentucky, North Carolina and South Carolina; that portion of the State of Tennessee east of the 86th meridian, that portion of the State of Virginia west of the 78th meridian and south of the 38th parallel; the Parish of Concordia in the State of Louisiana and the Counties of Adams, Lincoln, Pike and Forrest in the State of Mississippi and those portions of the States of Louisiana and Mississippi south of the 31st parallel; and that portion of Mississippi east of the 89th meridian; and that portion of the State of Indiana south of the 39th parallel.

(C) The prohibition contained in subparagraph (A) shall also apply to any merger or acquisition of grocery stores or grocery departments in non-food stores located in any city or county in those portions of the United States not described in subparagraph (B), if Winn-Dixie is then operating any grocery stores or grocery departments in non-food stores in such city or county.

(D) For a period of ten (10) years from September 14, 1966, Winn-Dixie shall not merge with or acquire, directly or indirectly, through subsidiaries or in any other manner, any grocery store or grocery department in a non-food store for which prior approval is not required pursuant to subparagraphs (A)-(C) without providing sixty (60) days' prior notification to the Commission, or, when the time schedule does not permit such notification, without providing a letter to the Commission within ten (10) days after the agreement or understanding in principle is reached, stating that the time schedule does not permit sixty (60) days' prior notification and setting forth the reasons why such prior notification cannot be made; provided, however, That for mergers or acquisitions involving not more than four (4) grocery stores or grocery departments in non-food stores and representing annual grocery store or grocery department sales of not more than five million dollars (\$5,000,000), notification to the Commission shall be provided within thirty (30) days following the consummation of such merger or acquisition.

It is further ordered, That within (30) days from the effective date of this Order, and annually thereafter until it has fully complied with this Order, Winn-Dixie Stores, Inc., shall submit a verified written report to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying, or has complied with this Order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this Order to each person having authority to approve grocery store acquisitions and mergers.

The order reopening proceeding and modifying order to cease and desist issued September 10, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-27290 Filed 10-9-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[TD 75-254]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

On July 29, 1975, Treasury Decision 75-183 was published in the FEDERAL REGISTER (40 FR 31752) amending paragraph (f) of § 10.59 of the Customs Regulations (19 CFR 10.59(f)) by adding Iran to the list of nations set forth in that paragraph. Aircraft registered in the nations set forth in that list are entitled to free withdrawal privileges reciprocal to those found by the Secretary of Commerce to be extended by those nations to aircraft registered in the United States. The free withdrawal privileges were extended to aircraft registered in Iran and engaged in foreign trade effective as of April 29, 1975, the date of the letter to the Secretary of the Treasury from the Secretary of Commerce announcing his finding that the Government of Iran accords to aircraft registered in the United States privileges with respect to exemption from the payment of Customs duties (and internal revenue taxes imposed by reason of importation) on aircraft supplies substantially similar to those described in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317).

Also on July 29, 1975, Treasury Decision 75-184 was published in the FEDERAL REGISTER (40 FR 31753) amending paragraph (f) of § 10.59 of the Customs Regulations (19 CFR 10.59(f)) by adding Morocco to the list of nations set forth in that paragraph. The free withdrawal privileges were extended to aircraft registered in Morocco and engaged in foreign trade also effective as of April 29, 1975, the date of the letter to the Secretary of the Treasury from the Secretary of Commerce announcing his finding that the Government of Morocco accords to aircraft of United States registry privileges substantially similar to those de-

scribed in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317).

The Secretary of the Treasury has subsequently been advised by the Secretary of Commerce that the effective date of his finding relative to the Government of Iran is April 22, 1975, and that the effective date of his finding relative to the Government of Morocco is March 27, 1975. Consequently, free withdrawal privileges are extended to aircraft registered in Iran and engaged in foreign trade effective as of April 22, 1975, and to aircraft registered in Morocco and engaged in foreign trade effective as of March 27, 1975. Treasury Decisions 75-183 and 75-184 are amended accordingly.

§ 10.59 [Amended]

Accordingly, paragraph (f) of § 10.59 of the Customs Regulations is amended by deleting "75-183" in the column headed "Treasury Decision(s)" opposite "Iran" in the list of nations in that paragraph and by inserting in its place the number of this Treasury Decision. Similarly, "75-184" is deleted opposite "Morocco" in the list of nations in that paragraph and the number of this Treasury Decision inserted in its place.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759 (19 U.S.C. 1309, 1317, 1624))

As there is a statutory basis for the exemption from Customs duties on withdrawal of supplies by aircraft when reciprocity has been established, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

W. A. MAGEE, Jr.,
Acting Commissioner of Customs.

Approved: October 2, 1975.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc.75-27309 Filed 10-9-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 161]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974—)

Subpart E—Payment of Benefits, Overpayments and Underpayments

On January 16, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 2012) relating to underpayments and overpayments under the supplemental security income program. The proposed rules would implement section 1631(b) of the Social Security Act (42 U.S.C. 1383(b)), which directs the Secretary to make proper adjustment or recovery when more or less than the correct amount of benefits has been paid with respect to any individual.

The Secretary is further directed to avoid penalizing an overpaid individual or his eligible spouse who is without fault in connection with the overpayment, if adjustment or recovery would defeat the purpose of title XVI of the Social Security Act, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of title XVI.

During the period for comments four letters were received from the public in response to the proposal. The two principal comments dealt with the proposed 1-year limitation on payment of underpayments in § 416.538(b), and the material in § 416.542(b) concerning payment of underpayments when the underpaid recipient is dead. There follows a discussion of the comments received from the public and the disposition thereof.

The proposed § 416.538(b) provided that an underpayment would not exceed an amount equal to the difference between the amount of the last 12 months' benefits that should have been paid to the underpaid individual and the amount of benefits that were actually paid for such period. It was felt that, because the supplemental security income program is based on need, the unrestricted payment of underpayments would be inconsistent with program purposes. The comments questioned both the fairness and legality of the provisions, particularly in view of the statement that persons have a legal right to supplemental security income payments. In view of these comments, the proposed limitation was eliminated. The period for which underpayments can be made is, of course, subject to the rules on administrative finality and reopening of initial determinations (see Subpart N).

With respect to the limitation contained in § 416.542(b) on payment of an underpayment due a deceased individual, the comments said the prohibition against paying underpayments to the estate of the recipient seemed to violate the spirit of the Social Security Act and might deprive an individual responsible for the medical or burial costs of the deceased underpaid recipient of funds to pay them. However, section 1631(b) of the Social Security Act authorizes the payment of an underpayment only to a surviving spouse eligible for supplemental security income and living with the individual when he died.

The other public comment dealt with an alleged failure to provide notice of the overpayment determination before adjusting payments to recover the overpayment. A new § 416.558, Notices Relating to Overpayments and Underpayments, has been added. It states that recovery by adjustment may be initiated only after notice of the overpayment determination has been given and an opportunity has been provided to appeal the determination and to request waiver of repayment. This section also specifies that notice of a determination of waiver will be provided in accordance with § 416.1404. Where waiver is denied and recovery will be accomplished through

the adjustment of payments, advance notice must be given.

Examples have been added in § 416.554 to define the concept of "against equity and good conscience" more fully, and the concept of "defeat the purpose of title XVI" has been defined in § 416.553 in more specific terms. Certain other sections have been reworded for clarity.

Changes have been made at several places in these regulations to clarify the Social Security Administration's policies on the circumstances under which an underpayment or overpayment exists and the period for which such overpaid or underpaid amounts will be determined. Thus, in determining the existence of an overpayment, language has been added to § 416.537(a) to state expressly that no payment has been made where the payment is not received by the individual to whom the check is payable or where the payment is returned to the Social Security Administration.

Concerning the amount of any overpayment or underpayment, the "period" for which such amounts will be determined, as used in the proposed § 416.538, has been defined as beginning with the first month of any quarter for which there is a difference between the amount paid and the amount due and as ending with the month immediately preceding the calendar quarter in which the initial determination of overpayment or underpayment is made. This makes it clear that with respect to any period a person cannot be both overpaid and underpaid. The regulation also specifically provides that, if it appears that less than the proper amount has been paid for one or more months in a period and more than the correct amount has been paid for other months, the determination and payment of the underpayment discovered in any quarter cannot be delayed unless the possible overpayment situation will be resolved before the close of the following quarter.

The proposed § 416.570 has been clarified to show that the withholding of only part of a person's payment will be the usual approach to recovery where eligibility for payment continues. Based on this clarification the proposed § 416.572 has been deleted. In addition, although the Social Security Administration will not initiate the recovery of a title II or title XVIII overpayment by withholding title XVI payments or the recovery of a title XVI overpayment by withholding title II benefits for which the person is eligible, the proposed § 416.570 now shows that a person from whom refund of an overpayment is sought may request that such withholding be effectuated to recover the overpayment. However, in no case shall an overpayment of supplemental security income benefits be adjusted against title XVIII benefits.

Since the rules relating to the existence of and periods for determining overpayments and underpayments, and for adjusting overpayments after the appropriate procedural steps have been taken, reflect the existing practice of the

Social Security Administration and are essential to the operation of this aspect of the supplemental security income program, these regulatory sections are being published in final form. However, comments concerning these rules may be submitted and will be carefully considered in connection with any additional revisions of this portion of the regulations which may be made. Any comments should be submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments received will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

(Secs. 1102, 1631(b), 49 Stat. 647, as amended, 86 Stat. 1476; 42 U.S.C. 1302, 1383(b))

Effective date. These amendments shall become effective October 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: August 13, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 29, 1975.

DAVID MATHEWS,
Secretary of Health,
Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding to Subpart E new §§ 416.533-416.570 to read as follows:

Subpart E—Payment of Benefits, Overpayments, and Underpayments

- | | |
|---------|---|
| Sec. | |
| 416.533 | Transfer or assignment of benefits. |
| 416.535 | Underpayments and overpayments—general. |
| 416.536 | Underpayments—defined. |
| 416.537 | Overpayments—defined. |
| 416.538 | Amount of underpayment or overpayment. |
| 416.542 | Underpayments—to whom payable. |
| 416.543 | Underpayments—used to reduce overpayments. |
| 416.550 | Waiver of adjustment or recovery of overpayment—when applicable. |
| 416.551 | Waiver of adjustment or recovery of overpayment—effect of. |
| 416.552 | Waiver of adjustment or recovery of overpayment—without fault. |
| 416.553 | Waiver of adjustment or recovery of overpayment—defeat the purpose of title XVI. |
| 416.554 | Waiver of adjustment or recovery of overpayment—against equity and good conscience. |
| 416.555 | Waiver of adjustment or recovery of overpayment—impede administration. |
| 416.558 | Notices relating to overpayments and underpayments. |
| 416.560 | Recovery—refund. |
| 416.570 | Adjustment—general rule. |

Subpart E—Payment of Benefits, Overpayments, and Underpayments

§ 416.533 Transfer or assignment of benefits.

The Social Security Administration shall not certify payment of supplemental security income benefits to a transferee or assignee of a person eligible for such benefits under the Act. The Social Security Administration shall not certify payment of supplemental security income benefits to any person claiming such payment by virtue of an execution, levy, attachment, garnishment, or other legal process or by virtue of any bankruptcy or insolvency proceeding against or affecting the person eligible for benefits under the Act.

§ 416.535 Underpayments and overpayments—general.

Pursuant to section 1631(b) of the Act, an underpayment adjustment as set forth in §§ 416.542–416.543 is made when a recipient received less than the correct amount of supplemental security income benefits; and an overpayment adjustment as set forth in § 416.570 is made when a recipient received more than the correct amount of supplemental security income benefits.

§ 416.536 Underpayments—defined.

An underpayment can occur only with respect to a period for which a recipient filed application (where required) for benefits and met all conditions of eligibility therefor. An underpayment, including any amounts of State supplementary payments which are due and administered by the Social Security Administration, is:

- (a) Nonpayment, where payment for a quarter (or month, where applicable) was due but was not made, and
- (b) Payment of less than the amount due for any quarter (or month, where applicable).

§ 416.537 Overpayments—defined.

(a) *Overpayments.* As used in this subpart, the term "overpayment" means payment of more than the amount due for any period, including any amounts of State supplementary payments which are due and administered by the Social Security Administration. For purposes of this section, payment has been made when certified by the Social Security Administration to the Department of the Treasury, except that payment has not been made where payment has not been received by the designated payee, or where payment was returned.

(b) *Actions which are not overpayments—(1) Presumptive disability.* Any payment made for any month, including an advance payment of benefits pursuant to § 416.520, is not an overpayment to the extent it meets the criteria for payment pursuant to § 416.951.

(2) *Penalty.* The imposition of a penalty pursuant to § 416.713 is not an adjustment of an overpayment and is im-

posed only against any amount due the penalized recipient, or, after death, any amount due the deceased which otherwise would be paid to a surviving eligible spouse.

§ 416.538 Amount of underpayment or overpayment.

The amount of an underpayment or overpayment is the difference between the amount paid to a recipient for a period and the amount of payments for which such recipient actually was eligible for such period. The period with respect to a determination of the fact or amount of any overpayment or underpayment begins with the first month of any quarter for which there is a difference between the amount paid and the amount due and ends with the month immediately preceding the calendar quarter in which the initial determination of overpayment or underpayment is made except that the period for an overpayment originally detected in 1974 shall not end later than December 31, 1974. With respect to the period established, there can be no underpayment to a recipient or his eligible spouse if more than the correct amount payable under title XVI of the Social Security Act has been paid (whether or not adjustment or recovery of any overpayment for that period has been waived under the provisions of §§ 416.550–416.555). A subsequent initial determination of overpayment will require no change with respect to a prior determination of overpayment or to the period relating to such determination to the extent that the basis of the prior overpayment remains the same. Where an apparent overpayment has been detected but determination of the overpayment has not been made (see § 416.558(a)), a determination and payment of an underpayment which is otherwise due cannot be delayed unless a determination with respect to the apparent overpayment can be made before the close of the quarter following the quarter in which the underpaid amount was discovered. Further, any underpayment amount apparently due the surviving eligible spouse on account of a deceased recipient is reduced by the amount of any outstanding penalty imposed against the benefits payable to such deceased recipient under section 1631(e) of the Act (see § 416.537(b)(2)).

§ 416.542 Underpayments—to whom payable.

(a) *Underpaid recipient alive—underpayment payable.* If an underpaid recipient is alive, the amount of any underpayment due him will be paid to him in a separate payment or by increasing the amount of his monthly payment.

(b) *Underpaid recipient dead—underpayment payable.* If a recipient dies before the amount due him has been paid to him, or before he endorses the check representing the correct payment, the amount of the underpayment may be paid only to his surviving spouse and then only if such spouse was eligible for supplemental security income benefits

and was living with the underpaid recipient when he died or was not separated from him for 6 months at the time of death. No underpayment may be paid to the estate of any underpaid recipient, the estate of the surviving spouse, or to any survivor other than the living-with eligible spouse.

§ 416.543 Underpayments—used to reduce overpayments.

Any underpayment for which an individual is eligible is used to reduce any overpayment determined to exist (see § 416.558) for a different period unless recovery of such overpayment has been waived under the provisions of §§ 416.550–416.555. Similarly, when an underpaid recipient dies, priority consideration is given to applying the underpayment due the surviving eligible spouse against any overpayment to such surviving spouse unless recovery of such overpayment has been waived under the provisions of §§ 416.550–416.555.

Example. A husband and wife who were living together were eligible for payments under title XVI. The wife dies at a time when she was underpaid \$25 and the husband was overpaid \$75. The \$25 underpayment due the surviving husband is applied to reduce his own overpayment to \$50.

§ 416.550 Waiver of adjustment or recovery—when applicable.

Waiver of adjustment or recovery of an overpayment of supplemental security income benefits is applicable (see section 1631(b) of the Act) when:

- (a) The overpaid individual was without fault in connection with an overpayment, and
- (b) Adjustment or recovery of such overpayment would either:
 - (1) Defeat the purpose of title XVI, or
 - (2) Be against equity or good conscience, or
 - (3) Impede efficient or effective administration of title XVI due to the small amount involved.

§ 416.551 Waiver of adjustment or recovery—effect of.

Waiver of adjustment or recovery of an overpayment from the overpaid person himself (or, after his death, from his estate) frees him and his eligible spouse from the obligation to repay the amount of the overpayment covered by the waiver. Waiver of adjustment or recovery of an overpayment from anyone other than the overpaid person himself or his estate (e.g., a surviving eligible spouse) does not preclude adjustment or recovery against the overpaid person or his estate.

Example: The recipient was overpaid \$390. It was found that the overpaid recipient was eligible for waiver of adjustment or recovery of \$260 of that amount, and such action was taken. Only \$130 of the overpayment remained to be recovered by adjustment, refund, or the like.

§ 416.552 Waiver of adjustment or recovery—without fault.

"Without fault" relates only to the situation of the individual seeking relief

from adjustment or recovery of an overpayment. The overpaid individual (and any other individual from whom the Social Security Administration seeks to recover the overpayment) is not relieved of liability and is not "without fault" solely because the Social Security Administration may have been at fault in making the overpayment. In determining whether an individual is without fault, the "fault" of the overpaid person and the "fault" of the individual seeking relief under the waiver provision are considered. Whether an individual is "without fault" depends on all the pertinent circumstances surrounding the overpayment in the particular case. The Social Security Administration considers the individual's understanding of the reporting requirements, the agreement to report events affecting payments, knowledge of the occurrence of events that should have been reported, efforts to comply with the reporting requirements, opportunities to comply with the reporting requirements, understanding of the obligation to return checks which were not due, and ability to comply with the reporting requirements (e.g., age, comprehension, memory, physical and mental condition). Although the finding depends on all of the circumstances in the particular case, an individual will be found to have been at fault in connection with an overpayment when an incorrect payment resulted from one of the following:

(a) Failure to furnish information which the individual knew or should have known was material;

(b) An incorrect statement made by the individual which he knew or should have known was incorrect (this includes the individual's furnishing his opinion or conclusion when he was asked for facts), or

(c) The individual did not return a payment which he knew or could have been expected to know was incorrect.

§ 416.553 Waiver of adjustment or recovery—defeat the purpose of title XVI.

Waiver of adjustment or recovery is proper when the person on whose behalf waiver is being considered is without fault, as defined in § 416.552, and adjustment or recovery would defeat the purpose of title XVI. For purposes of this subpart, adjustment or recovery of an overpayment will be considered to defeat the purpose of title XVI:

(a) If such person's current total monthly income does not exceed:

(1) The applicable Federal monthly standard payment rate (see Subpart D of this part), plus

(2) One-third of the quarterly amount of earned or unearned income excludable pursuant to § 416.1165 (i.e. \$20), plus

(3) One-third of the quarterly amount of earned income excludable pursuant to § 416.1167 but no more than \$65, plus

(4) The applicable State supplementary payment, if any (see Subpart T of this part); or

(b) If recovery or adjustment would deprive such person of income or financial resources needed for ordinary and necessary living expenses under the criteria in § 404.508(a) of this chapter.

§ 416.554 Waiver of adjustment or recovery—against equity or good conscience.

Waiver of adjustment or recovery of an overpayment is proper when the person on whose behalf waiver is being considered is without fault, as defined in § 416.552, and adjustment or recovery would be against equity or good conscience. Adjustment or recovery is considered to be inequitable and contrary to good conscience when such person, in reliance on such payments or on notice that such payment would be made relinquished a valuable right or changed his position for the worse. In making such a decision, the individual's financial circumstances are not considered.

Example 1: Upon being notified that he was eligible for supplemental security income payments, an individual signed a lease on an apartment renting for \$15 a month more than the room he had previously occupied. It was subsequently found that eligibility for the payment should not have been established. In such a case recovery would be considered against equity or good conscience.

Example 2: An individual fails to take advantage of a private or organization charity, relying instead on the award of supplemental security income payments to support himself. It was subsequently found that the money was improperly paid. Recovery would be considered against equity or good conscience.

§ 416.555 Waiver of adjustment or recovery—impede administration.

Waiver of adjustment or recovery is proper when the overpaid person on whose behalf waiver is being considered is without fault, as defined in § 416.552, and adjustment or recovery would impede efficient or effective administration of title XVI due to the small amount involved. The amount of overpayment determined to meet such criteria is measured by the current average administrative cost of handling such overpayment case through such adjustment or recovery processes. In determining whether the criterion is met, the overpaid person's financial circumstances are not considered.

§ 416.558 Notice relating to overpayments and underpayments.

(a) *Notice of overpayment and underpayment determination.* Whenever a determination concerning the amounts paid and payable for any period is made and it is found that, with respect to any month in the period, more or less than the correct amount was paid, written notice of the correct and incorrect amounts for each such month in the period will be sent to the individual against whom adjustment or recovery of the overpayment as defined in § 416.537(a) may be effected or to whom the under-

payment as defined in § 416.536 would be payable, notwithstanding the fact that part or all of the underpayment must be withheld in accordance with § 416.543. When notifying an individual of a determination of overpayment, the Social Security Administration will, in the notice, also advise the individual that adjustment or recovery is required except under certain specified conditions and of his right to request waiver of adjustment or recovery of the overpayment under the provisions of § 416.550.

(b) *Notice of waiver determination.* Written notice of an initial determination of waiver shall be given the individual in accordance with § 416.1404 unless the individual was not given notice of the overpayment in accordance with paragraph (a) of this section.

§ 416.560 Recovery—refund.

An overpayment may be refunded by the overpaid recipient or by anyone on his behalf. Refund should be made in every case in which the overpayment is identifiable as part, or all, of the amount of the recipient's nonexcluded resources or where the overpaid individual is not currently eligible for supplemental security income benefits. In all other cases adjustment as set forth in § 416.570 will be proposed.

§ 416.570 Adjustment—general.

Where a recipient has been overpaid, the overpayment has not been refunded, and waiver of adjustment or recovery is not applicable, the overpayment is adjusted against any payment due the overpaid recipient or his eligible spouse (or recovery from the estate of either or both when either or both die before adjustment is completed). Adjustment will generally be accomplished by withholding each month a part of any benefit payable to the individual except that, when the overpayment is identifiable wholly or as part of the recipient's nonexcluded resources or where the overpayment results from the disposition of resources as provided by § 416.1240(b), the overpayment will be adjusted against any payments due the overpaid recipient or his eligible spouse before any further payment is made. Absent a specific request from the person from whom refund is sought, no overpayment made under title II or title XVIII of the Act shall be adjusted against supplemental security income benefits, and no overpayment of supplemental security income benefits shall be adjusted against benefits payable under title II of the Act. However, a request for an adjustment of an overpayment of supplemental security income benefits against title II benefits shall not be honored if such adjustment would result in an increase in the amount of or reestablishment of eligibility for benefits under this part, and in no case shall an overpayment of supplemental security income benefits be adjusted against title XVIII benefits.

[FR Doc.75-27303 Filed 10-9-75;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2605—GUARANTEED BENEFITS CORRECTION

Correction

In FR Doc. 75-25135 appearing at page 43509 in the FEDERAL REGISTER of Monday, September 22, 1975, § 2605.3(b) appearing at page 43511 is corrected by striking "§ 2604.2" which follows the word "in" and precedes the semicolon, and inserting in its stead "§ 2605.2".

Issued in Washington, D.C. on this 7th day of October, 1975.

STEVEN E. SCHANES,
Executive Director, Pension
Benefit Guaranty Corporation.

[FR Doc. 75-27375 Filed 10-9-75; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 439-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart SS—Texas

Ship and Barge Vapor Recovery; Suspension of Compliance Date

On November 6, 1973, the Administrator promulgated a final regulation requiring recovery of vapors emitted during loading and unloading of gasoline and other volatile compounds from ships and barges in the Houston-Galveston Intrastate Air Quality Control Region. 40 CFR 52.2287 (38 FR 30633). The purpose of the regulation is to reduce hydrocarbon emissions and thereby to assist in attainment and maintenance of the national ambient air quality standard for photochemical oxidants in that region.

The regulation was challenged by a number of companies subject to it, but was held "valid and enforceable" by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. *State of Texas et al v. EPA*, 499 F.2d 289, 316-17, 321. Petitions for rehearing were filed, but were denied by the Court. Petitioners filed with the U.S. Supreme Court motions for stay of mandate pending applications for writ of certiorari. The motions were denied on April 28, 1975. The mandate was issued by the Fifth Circuit on April 30, 1975. Petitions for writ of certiorari were filed on August 31, 1975 by several of the original petitioners.

On April 25, 1975, the Administrator suspended interim compliance dates contained with the regulation and which had already passed, namely 40 CFR 52.2287(c) (1), (2), and (3). (40 CFR 18437). That notice, however, did not suspend the final compliance date of May 31, 1975. 40 CFR 52.2287(c) (4). On May 30, 1975, the Administrator suspended the final compliance date until October 1, 1975, and indicated that by that time proposed amendments to the regulation would be published.

Evaluation of pertinent information for developing the proposed amendments has not been completed, however. The Agency has been engaged in an examination of various aspects of the regulation, including, but not limited to the proper extent of any extensions to the interim and final compliance dates contained in the regulation. In this regard the Agency requested pertinent information from those subject to the regulation, pursuant to Section 114 of the Clean Air Act. The information, regarding both technical issues and information on past efforts has been received and evaluation is nearing completion. As soon as this process is complete the Agency intends to publish proposed amendments.

It is necessary, however, to further suspend the final compliance date, pending proposal and final publication of amendments. Since the October 1, 1975 compliance date previously set is imminent and cannot now be met, the Agency finds there is good cause for suspending the final compliance date until March 1, 1976. This action will allow the Agency to proceed in an orderly fashion to complete consideration of the information now before it, propose any necessary amendments, consider comments, and publish a final regulation. This action does not, however, relieve those subject to the regulation from the obligation to continue to make maximum good faith efforts to comply with the substantive portions of the regulation.

This suspension will be in effect until March 1, 1976, or until final publication of amendments to the regulation, whichever is earlier.

(Sec. 301, Clean Air Act, 24 U.S.C. 1857g)

Dated: October 6, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc. 75-27373 Filed 10-9-75; 8:45 am]

Title 42—Public Health

CHAPTER III—SAINT ELIZABETHS HOSPITAL, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 306—CONDUCT AND TRAFFIC REGULATIONS FOR THE SAINT ELIZABETHS HOSPITAL RESERVATION, WASHINGTON, D.C.

Regulations Protecting Facilities and Grounds

On pages 33459-33460 of the FEDERAL REGISTER of August 8, 1975, there was published a notice of proposed conduct and traffic regulations to amend Chapter III of Title 42 of the Code of Federal Regulations by adding a new Part 306 prescribing regulations for the protection of the facilities and grounds of Saint Elizabeths Hospital over which the Federal Government has acquired exclusive or concurrent jurisdiction under 24 U.S.C. 161. The regulations set forth rules pertaining to parking and operation of motor vehicles and other conduct of employees and members of the public.

Interested persons were given 30 days in which to submit comments, sugges-

tions, or objections regarding the proposed regulations.

One written comment has been received. It was suggested that ambulances and other emergency vehicles be excluded from the 15 MPH speed limit as necessary and that an exception be made for the parking of maintenance vehicles, when necessary, in an unauthorized space.

However, after careful consideration, it was decided to handle these recommendations through internal policies rather than as exceptions in the regulations. Therefore, the proposed regulations are adopted without change, as set forth below.

Effective date. These Saint Elizabeths Hospital Regulations are effective: October 13, 1975.

Approved: September 19, 1975.

By direction of the Superintendent.

ROGER PEELE,
Acting Superintendent,
Saint Elizabeths Hospital.

Part 306 is added to read as follows:
Subpart A—General

Sec.	Definitions.
306.1	Definitions.
306.2	Applicability.
306.3	Compliance with directions.
306.4	Making or giving of false reports.
Subpart B—Traffic and Vehicular Regulations	
306.20	Laws of District of Columbia applicable.
306.21	Inspection of license and registration.
306.22	Speed limit.
306.23	Emergency vehicles.
306.24	Signs.
306.25	Pedestrian traffic.
306.26	Parking.
306.27	Parking permits.
306.28	Prohibited servicing of vehicles.
306.29	Unattended vehicles.
Subpart C—Buildings and Grounds	
306.40	Closing reservation.
306.41	Preservation of property.
306.42	Removal of property.
306.43	Conformity with posted signs.
306.44	Nuisances.
306.45	Gambling.
306.46	Intoxicating beverages and narcotics.
306.47	Weapons and explosives.
306.48	Nondiscrimination.
306.49	Pets and other animals.
306.50	Sports and hobbies.
306.51	Photography.
Subpart D—Penalties	
306.60	Penalties—other laws.

Subpart A—General

§ 306.1 Definitions.

As used in this part:

(a) The Saint Elizabeths Hospital reservation, Washington, D.C., hereinafter referred to as "the reservation" means those facilities and ground of Saint Elizabeths Hospital, Department of Health, Education, and Welfare located in Washington, D.C. as established by statute (24 USC 161) as a Federal reservation.

(b) "Security Force Officer" means a U.S. Special Policeman appointed pursuant to the provision of the Act of June 1, 1948, as amended (62 Stat. 281, 40 USC 318 et seq.)

(c) "Department" means the Department of Health, Education, and Welfare.

§ 306.2 Applicability.

The regulations in this part establish rules with respect to the parking and operation of vehicles and other activities and conduct on or within the reservation except that with respect to areas on the reservation used as living quarters, §§ 306.27, 306.28, 306.46, 306.49, and 306.50 shall not be applicable. These regulations are intended to supplement the rules and regulations regarding conduct on Federal Property adopted by the Department and set forth in the Department Facilities Engineering and Construction Manual as Exhibit X-3-335-1.

§ 306.3 Compliance with directions.

No person shall fail or refuse to comply with any order or direction of a Security Force Officer in connection with the direction, control or regulation of traffic and parking, or pursuant to any of the requirements of these regulations.

§ 306.4 Making or giving of false reports.

No person shall knowingly give any false or fictitious report or information to any authorized person investigating an accident or violation of law or these regulations.

Subpart B—Traffic and Vehicular Regulations

§ 306.20 Laws of District of Columbia applicable.

Unless otherwise specifically provided herein, the laws of the District of Columbia governing the use and operation of motor vehicles shall be applicable to the reservation.

§ 306.21 Inspection of license and registration.

No person operating a motor vehicle on the reservation shall refuse to exhibit for inspection, upon request of a Security Force Officer, his operator's license or proof of ownership or registration.

§ 306.22 Speed limit.

No person shall drive any motor vehicle in excess of 15 mph on the reservation.

§ 306.23 Emergency vehicles.

No person shall fail or refuse to yield the right-of-way to an emergency vehicle when such emergency vehicle is operating with flashing lights or audible signal.

§ 306.24 Signs.

Every driver shall comply with all posted traffic and parking signs.

§ 306.25 Pedestrian traffic.

No person shall fail or refuse to yield the right-of-way to a pedestrian crossing the streets of the reservation.

§ 306.26 Parking.

(a) No person, unless otherwise authorized by a posted traffic sign, shall stand or park a vehicle—

- (1) On any of the streets of the reservation;
- (2) On a sidewalk;
- (3) Within an intersection or within a crosswalk;
- (4) Within 15 feet of a fire hydrant, five feet of a driveway or 30 feet of a stop sign, yield sign, or traffic control device;
- (5) At any place which would result in the vehicle being double parked;
- (6) In a direction facing on-coming traffic;
- (7) In or on any lawn area; or
- (8) In a manner which would obstruct loading platforms, delivery areas, dumpsters or traffic.

(b) No person shall park a motor vehicle—

- (1) Except within the lane painted or marked for such purpose or within the area designated and authorized for such purpose.
- (2) In excess of 48 consecutive hours, unless permission has been granted by the Security Force.

§ 306.27 Parking permits.

No person, except visitors parking in areas identified by posted signs as reserved for visitors, shall park a motor vehicle on the reservation without having currently valid parking permit decals displayed on such motor vehicle in compliance with instructions of the issuing authority. Such parking decals may be revoked by the issuing authority for violation of any of the provisions of these regulations.

§ 306.28 Prohibited servicing of vehicles.

No person shall wash, polish, or make nonemergency repairs on privately-owned vehicles on the reservation without specific authority from the Superintendent, Saint Elizabeths Hospital.

§ 306.29 Unattended vehicles.

No person shall leave a motor vehicle unattended on the reservation with the engine running, the ignition unlocked, the key in the vehicle, or the brake ineffectively set.

Subpart C—Buildings and Grounds

§ 306.40 Closing the reservation.

As determined by the Superintendent, Saint Elizabeths Hospital, the reservation may be closed to the public in emergency situations and at such other times as may be necessary for the orderly conduct of the Government's business. Admission to the reservation during periods when the reservation is closed to the public is limited to authorized individuals who may be required to sign a register and display identification when requested by a Security Force Officer or other authorized individual.

§ 306.41 Preservation of property.

No person shall, without authorization, willfully destroy or damage Federal property located on the reservation.

§ 306.42 Removal of property.

(a) No person shall remove Government property from the reservation, except under the policies and procedures of the Superintendent, Saint Elizabeths Hospital.

(b) No person shall remove from the reservation or any building thereon, privately-owned property, other than property ordinarily carried on the person, except upon establishing proper identification to a Security Force Officer or by following the procedures set forth in (a) above.

§ 306.43 Conformity with posted signs.

No person shall fail or refuse to comply with officially posted signs of prohibitory or directory nature, and, during emergencies, with the direction of any authorized individual.

§ 306.44 Nuisances.

No person shall willfully disrupt the Conduct of official business on the reservation, or engage in disorderly conduct; nor shall any person litter or dispose of rubbish in an unauthorized manner, throw articles of any kind from a building or climb upon any part of a building for other than authorized purposes.

§ 306.45 Gambling.

No person shall participate in games for money or other property, or in the operation of gambling devices, the conduct of lotteries or pools, or in the selling or purchasing of numbers tickets, or the taking or placing of bets.

§ 306.46 Intoxicating beverages and narcotics.

The consumption or use of intoxicating beverages, or narcotic drugs, except in connection with legal work assignments or in the course of professional treatment, or as otherwise authorized by the Superintendent, Saint Elizabeths Hospital, is prohibited.

§ 306.47 Weapons and explosives.

No person other than Federal, District of Columbia, State, or local law enforcement personnel so authorized, shall carry, transport, or otherwise possess on the reservation, firearms, other dangerous or deadly weapons or materials, or explosives, either openly or concealed.

§ 306.48 Nondiscrimination.

No person shall discriminate by segregation or otherwise against any other person(s) because of race, creed, color, sex, or national origin, in furnishing, or by refusing to furnish to such person(s) the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided there- by on the reservation.

§ 306.49 Pets and other animals.

No person shall bring upon the reservation any cats, dogs, or other animals except as authorized by the Superintendent, Saint Elizabeths Hospital, provided however, that blind persons may have the use of seeing eye dogs.

§ 306.50 Sports and hobbies.

No person shall participate in any sport or hobby on the reservation unless authorized or except in designated areas.

§ 306.51 Cameras and photography.

Cameras are not permitted upon the reservation except as specifically authorized by the Superintendent, Saint Elizabeths Hospital. Photography for advertising and commercial purposes may be conducted only with the written permission of the Superintendent, Saint Elizabeths Hospital.

Subpart D—Penalties

§ 306.60 Penalties—other laws.

Whoever shall be found guilty of violating these regulations is subject to a fine of not more than \$50 or imprisonment of not more than 30 days, or both (40 USC 318c). Except as expressly provided in this part, nothing contained in these regulations shall be construed to abrogate any other Federal laws or regulations, or any District of Columbia law or regulation applicable to the area in which the reservation is situated.

[FR Doc. 75-27341 Filed 10-9-75; 8:45 am]

Title 45—Public Welfare

**CHAPTER I—OFFICE OF EDUCATION,
DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE**

**PART 122—GRANTS TO STATE OR LOCAL
PUBLIC AGENCIES FOR PROGRAMS
FOR EDUCATIONAL SERVICES FOR
INDOCHINESE REFUGEE CHILDREN**

Implementation Provisions

In accordance with section 431 of the General Education Provisions Act (20 U.S.C. 1232) and pursuant to the authority contained in Pub. L. 94-23 and Pub. L. 87-510 (22 U.S.C. 2601 et seq.), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, hereby amends Title 45 of the Code of Federal Regulations by adding a new Part 122 to read as set forth below.

At present there are no guidelines related to Part 122. Should such guidelines be issued in the future, they will be published in the FEDERAL REGISTER, and will be limited to material in the nature of suggestions or recommended courses of action for meeting certain mandatory requirements set forth in the regulations.

1. *Legislative Background.* This regulation contains provisions governing grants to State or local public agencies under Pub. L. 94-23 "the Indochina Migration and Refugee Assistance Act of 1975," enacted May 23, 1975. Pub. L. 94-23 authorizes funds to render assistance to Indochinese refugees through the performance of functions authorized to

be carried out by the President or his delegates by Pub. L. 87-510 (the Migration and Refugee Assistance Act of 1962). The authorization ends with the close of fiscal year 1977. Functions include assistance to State or local public agencies providing services for substantial numbers of individuals who are aliens and who, because of persecution or fear of persecution on account of race, religion or political opinion, fled from Cambodia or Vietnam. The financial assistance granted under these provisions of Pub. L. 94-24 and Pub. L. 87-510 may be used by the recipient to provide educational services for such refugees as defined in the preceding sentence.

Pub. L. 94-24, enacted May 23, 1975, appropriated \$100,000,000 in fiscal year 1975 funds for the over-all implementation of Pub. L. 94-23, to remain available for Federal obligation through June 30, 1976. Of this \$100,000,000, \$15,000,000 will be administered by the Commissioner of Education for the program to be implemented by these regulations.

The Act of 1962, which by its terms is limited to Western Hemisphere refugees, was intended to aid Cubans. Aid to Cuban refugees has been carried out under the Act of 1962, as well as under the authority of section 3 of Title 1 of Pub. L. 81-874 as amended, authorizing financial assistance for local educational agencies in areas affected by Federal activity. Local educational agencies with children of Indochinese refugee parents who actually reside or work on Federal property may be entitled to funds under both section 3, Title 1 of Pub. L. 81-874 as well as under Pub. L. 94-24.

2. *Basic Provisions of Regulation—General.* The program to be implemented by these regulations is a transitional emergency measure designed to assist State or local public agencies to absorb Indochinese refugee children into their regular educational program and to enable them to meet the special educational needs of these children while such needs are particularly acute. The regulations provide for grants to be made directly by the Commissioner of Education to local educational agencies which are providing public educational services for Indochinese refugee children. These grants are non-discretionary; a local educational agency will qualify if it is providing public educational services to at least one Indochinese refugee child and if it continues to make available public educational services throughout the grant period for all children for whom it receives funds.

3. *Per Child Payments.* A qualifying local educational agency is entitled to a prescribed amount per child: \$300.00 per child for the first hundred Indochinese refugee children being served or the number of such children comprising 1 percent of the agency's total enrollment, whichever is less. The more heavily impacted agencies, which serve over 100 Indochinese refugee children or a number of such children exceeding 1 percent of their total enrollment, will receive \$600.00 for each such child in excess of 100 or

1 percent of the total enrollment, whichever is less. The \$300.00 per child amount for less heavily impacted areas reflects a premise that these agencies can absorb a small number of children into their basic educational curriculum without Federal assistance, but that assistance is necessary for the agency to meet the special educational needs of the refugee children. The \$600.00 amount for each child in excess of a threshold number of children in more heavily impacted agencies will enable the agencies to provide for the basic educational needs of the extra children as well as their special needs. A qualifying local educational agency which has within its jurisdiction more than one small local educational agency may not combine the child counts of the smaller local educational agencies so as to receive \$600 for each child in excess of the prescribed threshold number. Rather, the \$600 per child is paid only for children exceeding the threshold number in each smaller local educational agency within the grant recipient's jurisdiction.

4. *Use of Funds.* Funds under this program are being made available to local educational agencies for them to use for the refugee children's basic or supplementary needs as the agencies see fit. Grant recipients are not required to obtain Federal approval for proposed educational projects as they are in the various existing Federal programs of categorical aid for elementary and secondary education, and they are not required to make any separate accounting to the Commissioner for the use of Federal money received. However, the requirement that grant recipients continue throughout the grant period to provide public educational services to Indochinese refugee children is designed to ensure that the program funds are used for the benefit of those children. Public educational services in this context must include making available necessary English language and other supplementary instruction to all children counted on an equitable basis. A local educational agency must as a condition of eligibility make public educational services available to Indochinese refugee children (other than those enrolled in private schools) on a basis comparable to that which it provides to other children served in the same attendance area.

5. *Participation of Private School Children.* The regulations contain special provisions permitting (but not requiring) a local educational agency to count children enrolled in private schools for the purpose of computing its eligibility and amount of grant entitlement. If a local educational agency does count, in computing its eligibility and entitlement, Indochinese refugee children enrolled in private schools, it must provide equitable services to the children.

6. *Grants for Technical Assistance and Leadership.* Under Subpart E, a State educational agency of any State may qualify for a grant for technical assistance and leadership to local educational

agencies receiving funds under the program. The amount of each such grant will be determined by the Commissioner based on an application submitted by the State educational agency, but will not exceed 5 percent of the total amounts of grants to local educational agencies in the State. These technical assistance grants are not taken from, but are in addition to, funds for grants to local educational agencies.

7. *Effect of Office of Education General Provisions Regulations.* Financial assistance under these regulations is subject to several of the regulations contained in Title 45 CFR Subchapter A, Parts 100 and 100a listed in § 122.2 of the attached regulations. The applicability of Parts 100 and 100a, (including those provisions of OMB Circular A-102 contained in Part 100a) is limited to provisions which are appropriate for a grant program which is non-discretionary and provides for general aid with limited accountability.

8. *Citations of Legal Authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section. On occasion, a citation may appear at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between that citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

9. *Publication of Final Regulations.* In accordance with section 431(b)(2)(A) of the General Education Provisions Act, it is the practice of the Office of Education to provide an opportunity for interested parties to take part in the rulemaking process. However, this notice is given without such opportunity based on the Commissioner's finding, in accordance with 5 U.S.C. 553(b)(3)(B), that public comment upon a proposed rule would in this case be contrary to the public interest. This finding is based on the emergency nature of the program which is designed to obviate the burden in the present school year caused by the sudden impact on local educational agencies of the resettlement of thousands of Indochinese refugee children. Prolonging the effective date of the regulations to allow for public comment would cause undue delay in the implementation of the program.

10. *Effective Date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning congressional action and adjournment.

(Catalog of Federal Domestic Assistance Program No. 13.596)

Dated: October 2, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 6, 1975.

DAVID MATHEWS,
Secretary of Health,
Education, and Welfare.

Part 122 is added to read as follows.

Subpart A—General

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| Sec. | |
| 122.1 | Scope of part. |
| 122.2 | Applicability of Office of Education General Provisions Regulations. |
| 122.3 | Definitions. |
| Subpart B—Eligibility for and Amounts of Grants | |
| 122.4 | Eligibility of local educational agencies for grants. |
| 122.5 | Amounts to which local educational agencies are entitled. |
| 122.6 | Inclusion of private school children for purposes of determining eligibility and amount of entitlement. |
| 122.7 | Reallocation of funds. |
| Subpart C—Procedures for Application and Review | |
| 122.8 | Applications. |
| 122.9 | Amendments to applications based on increase in number of refugee children receiving free public education. |
| 122.10 | Notification to applicants. |
| 122.11 | Use of payments to local educational agencies under this part; assurances by local educational agencies. |
| 122.12 | Assurances by local educational agencies as to submission of required reports. |

Subpart D—Records and Reports Required by the Commissioner

- | | |
|--------|---|
| 122.13 | Records and reports required of local educational agencies. |
| 122.14 | Retention of records. |
| 122.15 | Annual report by local educational agency. |

Subpart E—Grants for Technical Assistance and Leadership

- | | |
|--------|---|
| 122.16 | Grants to State educational agencies for technical assistance and leadership. |
|--------|---|

AUTHORITY: Pub. L. 94-23, 89 Stat. 87; and Pub. L. 87-510, 78 Stat. 121 (22 U.S.C. 2601) et seq. as amended; unless otherwise noted.

Subpart A—General

§ 122.1 Scope of part.

This part governs projects for which funds are provided under the Indochina Migration and Refugee Assistance Act of 1975 (Pub. L. 94-23) for Federal assistance to State or local public agencies for educational services for Indochinese refugee children.

(Pub. L. 94-23, sections 2, 3; 22 U.S.C. 2601 (b) (4), 2602(a) (1))

§ 122.2 Applicability of Office of Education General Provisions Regulations.

Assistance under this part is subject to the following provisions contained in Subchapter A of this chapter:

- (a) Part 100, § 100.1 (except as provided in § 122.3);

(b) Part 100a, Subpart B, §§ 100a.15, 100a.17-100a.20, 100a.28;

(c) Part 100a, Subpart D, except §§ 100a.54 and 100a.55;

(d) Part 100a, Subpart E;

(e) Part 100a, Subpart F;

(f) Part 100a, Subpart N, §§ 100.250, 100a.255, 100a.262, 100a.263, 100a.275;

(g) Part 100a, Subpart P, §§ 100a.402, 100a.404, 100a.405;

(h) Part 100a, Subpart Q, §§ 100a.430-100a.431; 100a.436; and

(i) Part 100, Subpart R, §§ 100a.481-100a.496.

(20 U.S.C. 1221c(a), 1232(c), 1232d, 1681, 31 U.S.C. 290; 42 U.S.C. 2000d; OMB Circular A-102, Attachments A, J, L, H, and I)

§ 122.3 Definitions.

As used in this part:

"Child" means any child who is within the age limits for which the applicable State is required or permitted to provide free public elementary and secondary school education in grades kindergarten through 12, except that "child" does not include a person enrolled only in adult education courses.

(Pub. L. 94-23, sections 2, 3; 20 U.S.C. 1221c (a); 22 U.S.C. 2601(b) (4))

"Free public education" means education which is provided at public expense, under public supervision and direction, without tuition charge, and which is provided as elementary or secondary school education in grades kindergarten through 12 in the applicable State.

(Pub. L. 94-23, sections 2, 3; 20 U.S.C. 1221c (a); 22 U.S.C. 2601(b) (4))

"Indochinese refugee child" means a person who:

(a) Is a child as defined in this section;

(b) Is an alien who:

(1) Because of persecution or fear of persecution on account of race, religion, or political opinion, fled from Cambodia or Vietnam;

(2) Cannot return thereto because of fear or persecution on account of race, religion, or political opinion.

(20 U.S.C. 1221c(a); 22 U.S.C. 2601(b) (3), (4); Pub. L. 94-23 sections 2, 3)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. It also includes any other public institution or agency having administrative control and direction of public elementary or secondary schools.

(20 U.S.C. 1221c(a); 22 U.S.C. 2601(b) (3), (4); Pub. L. 94-23; sections 2, 3)

"Public educational services" means (a) free public education in the case of children enrolled in public elementary

and secondary schools and (b) publicly supported instructional services as described in § 122.11(b) (2) in the case of children enrolled in private elementary and secondary schools.

"State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(20 U.S.C. 1221c(a))

"State" means, in addition to the several States in the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1221c(a))

Subpart B—Eligibility for and Amounts of Grants

§ 122.4 Eligibility of local educational agencies for grants.

A local educational agency (or combination of local educational agencies) in any State is eligible to apply for a grant under this part for a fiscal year if the Commissioner determines on the basis of satisfactory information submitted to him that:

(a) Each local educational agency is providing public educational services to at least one Indochinese refugee child; and

(b) Each local educational agency is, subject to the provisions of § 122.6, providing public educational services to all Indochinese refugee children counted by the agency under § 122.5 for the purpose of computing its entitlement.

(Pub. L. 94-23, sections 2, 3; 22 U.S.C. 2601 (b) (4))

§ 122.5 Amounts to which local educational agencies are entitled.

For each Indochinese refugee child to whom it provides educational services, an eligible local educational agency is entitled to receive under this part the following:

(a) \$300.00 for each child up to 100 of these children or a number of these children comprising one percent of all children receiving free public education in the elementary or secondary schools of the agency, whichever is less; and

(b) \$600.00 for each child in excess of 100 or in excess of a number of these children comprising one percent of the total number of children receiving free public education in the elementary or secondary schools of the agency, whichever is less.

If an applicant is a combination of local school districts or an intermediate unit which does not have administrative control or direction of public elementary or secondary schools, then such agency's entitlement under this section shall be based on the aggregate of the separate entitlements (computed pursuant to the above formula) of the local school districts within the jurisdiction of the agency.

(Pub. L. 94-23, sections 2, 3; 22 U.S.C. 2601 (b) (4))

§ 122.6 Inclusion of private school children for the purposes of determining eligibility and amount of entitlement.

Children counted by a local educational agency under § 122.4 for the purpose of determining eligibility and under § 122.5 for the purpose of determining amount of entitlement may include children enrolled in private schools, provided that these children are receiving public educational services from the local educational agency in accordance with § 122.11, or that the local educational agency assures that it will provide public educational services to these children under the conditions specified in § 122.11 as soon as it receives a grant under this part.

(Pub. L. 94-23; 22 U.S.C. 2601(b) (4))

§ 122.7 Reallocation of funds.

When substantial numbers of Indochinese refugee children counted by a recipient local educational agency under § 122.5 leave the local educational agency and cease to receive services from the agency, the Commissioner may reallocate appropriate amounts to local educational agencies which, pursuant to § 122.9 (or § 122.8 for local educational agencies which did not previously apply), apply for funds based on an increase in the number of Indochinese refugee children being provided public educational services.

(Pub. L. 94-23, sections 2, 3; 22 U.S.C. 2601 (b) (4))

Subpart C—Procedures for Application and Review

§ 122.8 Applications.

(a) *General.* A local educational agency which desires to receive financial assistance under this part must, no later than March 31, 1976, file an application with the Commissioner for a grant for this financial assistance. The application shall be submitted as prescribed by the Commissioner. The local educational agency shall, at the same time it files the application with the Commissioner, transmit a copy of the application to the chief executive officer of the appropriate State educational agency.

(b) *Content of application.* Each application for a grant under this part shall contain the information required by the relevant sections of Subchapter A, Part 100a, and the assurances required by §§ 122.6, 122.11, and 122.12. The application shall also contain the following eligibility data:

(1) A statement of the total number of children receiving free public education in the agency's elementary and secondary schools;

(2) A statement of the total number of Indochinese refugee children to whom such agency is providing public educational services;

(3) The number of Indochinese refugee children (including private school children) for whom funds are being requested pursuant to § 122.5.

(20 U.S.C. 1232c(b) (3))

§ 122.9 Amendments to applications based on increase in number of refugee children receiving free public education.

An application for funds may be amended at any time no later than March 31, 1976 to apply for additional financial assistance based on a net increase in the number of Indochinese refugee children receiving public educational services in the elementary and secondary schools of the applicant agency. The amendment shall contain the entitlement data (appropriately revised) required by § 122.8(b). The local educational agency shall, at the same time it files an amendment with the Commissioner, transmit a copy of the amendment to the chief executive officer of the appropriate State educational agency.

(20 U.S.C. 1221c(a), 1232c(b) (3))

§ 122.10 Notification to applicants.

The Commissioner will notify any applicant in writing of the disposition of its application. A notification of grant award document will be issued to notify the applicant of the amount of the payment to be made under an approved grant, and the terms and conditions under which the grant is made. The Commissioner will transmit to the appropriate State educational agency copies of all notifications issued to local educational agencies pursuant to this section.

(20 U.S.C. 1221c(a))

§ 122.11 Use of payments to local educational agencies under this part; assurances by local educational agencies.

(a) *General.* Funds are made available to local educational agencies under this part for the purpose of defraying the costs of serving Indochinese refugee children.

(b) *Public educational services to be provided throughout grant period.* Each application by a local educational agency for a grant under this part shall contain an assurance that the applicant will, as a condition of receiving the grant, throughout the grant period make available public educational services to all Indochinese refugee children counted under §§ 122.4 and 122.5, including the private school children who are counted. For the purpose of this section, public educational services shall include making available to all these children on an equitable basis such supplementary English language and other instruction necessary to enable them to achieve a satisfactory level of educational performance. The supplemental instruction required by the preceding sentence may include but is not limited to such services as bilingual instructional personnel, special inservice training for instructional personnel, special materials and supplies.

(1) For the purpose of this paragraph, public educational services for Indochinese refugee children enrolled only in the public elementary and secondary schools of the local educational

agency shall be made available on a basis comparable to that which the agency provides other children enrolled only in the public elementary and secondary schools of the agency who reside in the attendance area or areas in which the Indochinese refugee children are being served. The requirement of the preceding sentence will be deemed to be satisfied only if the local educational agency assures that all of these Indochinese refugee children will have access to all publicly funded instructional services on the same basis as the local educational agency provides to other children residing in the area or areas where the Indochinese refugee children are being served.

(2) For the purpose of this paragraph, public educational services for Indochinese refugee children enrolled in private schools shall not include the basic level of instruction which is normally provided by the private school to its students, but must be limited to such supplementary English language and other instruction as is necessary to meet the special educational needs of Indochinese refugee children to enable them to achieve a satisfactory level of educational performance. The local educational agency must assure that it will maintain continuing administrative direction and control over publicly funded services which it provides to children enrolled in private schools under this paragraph; and that these services shall not include the payment of salaries for teachers or other employees of private schools except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the use of equipment other than mobile or portable equipment on private school premises or the construction of private school facilities.

(Pub. L. 94-23, sections 2, 3; 22 U.S.C. 2601 (b) (4); *Lemon v. Kurtzman*, 403 U.S. 602 (1971))

§ 122.12 Assurance by local educational agencies as to submission of required reports.

Each application by a local educational agency under this part shall contain an assurance that the local educational agency will make such reports as the Commissioner may require from time to time in order to carry out his functions in administering the program, including the annual report required by § 122.15.

(20 U.S.C. 1232c(b) (3) (C))

Subpart D—Records and Reports Required by the Commissioner

§ 122.13 Records and reports required of local educational agencies.

Each local educational agency which received a grant under this part shall maintain adequate written records to substantiate that it has satisfied the eligibility and entitlement requirements contained in §§ 122.4 and 122.5 and the assurance contained in §§ 122.6 and 122.11. These records shall document:

(a) The total number of children being provided public educational services as of the date for which its entitlement under § 122.5 was computed;

(b) On an individual basis that each Indochinese refugee child counted by the recipient under §§ 122.4 and 122.5, including each child enrolled in a private school, has received public educational services under the conditions prescribed by §§ 122.4, 122.5, and 122.11.

(20 U.S.C. 1232c(a))

§ 122.14 Retention of records.

Local educational agencies receiving grants under this part are required to keep all records supporting the application until the completion of the administrative reviews which are regularly conducted by Federal agencies, or for five years following the fiscal year to which the application relates, whichever is earlier. The records involved which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies making these reviews.

(20 U.S.C. 1232c(a))

§ 122.15 Annual report by local educational agency.

Each local educational agency receiving financial assistance under this part shall make an annual report to the Commissioner within 90 days after the end of the school year for which the grant is made, but in no event later than October 31 following the end of this school year. The annual report shall indicate:

(a) The number of Indochinese refugee children receiving public educational services at the beginning and at the end of the school year;

(b) A description of the services provided by the local educational agency to Indochinese refugee children through the use of funds received under this part; and

(c) Such other information as the Commissioner may require.

(20 U.S.C. 1232c(b) (3) (C))

Subpart E—Grants for Technical Assistance and Leadership

§ 122.16 Grants to State educational agencies for technical assistance and leadership.

(a) *Purpose of grant.* The Commissioner may, pursuant to an approved application, make a grant to the State educational agency of any State to enable it to provide technical assistance and leadership to local educational agencies in its State which are eligible for grants under this part. Activities undertaken by State educational agencies pursuant to grants received under this section may include, but are not limited to, provision of inservice training for instructional staff providing services to Indochinese refugee children, curriculum identification and development, supervision of instructional personnel, and technical assistance to local educational agencies serving small numbers of Indochinese refugee children.

(b) *Content of application.* An application by the State educational agency to the Commissioner for a grant under this section shall state the total amount of

funds being received in the fiscal year by all public agencies in that State under this part for the purpose of defraying the costs of educational services to Indochinese refugee children. The application shall also describe the activities proposed to be conducted by the applicant under the grant being applied for under this section.

(c) *Amount of grant.* The amount of a grant to a State educational agency under this section shall be determined by the Commissioner in accordance with the need for funds justified by the information provided by the applicant under paragraphs (a) and (b) of this section. The amount of the grant shall not exceed 5 percent of the total amount granted in the fiscal year to local educational agencies in the State under this part for the purpose of defraying the costs of educational services to Indochinese refugee children.

(Pub. L. 94-23, sections 2, 3; 22 U.S.C. 2601 (b) (4))

[FR Doc. 75-27340 Filed 10-9-75; 8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 72-19; General Order 13]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

By Notice of Proposed Rulemaking published in the *FEDERAL REGISTER* on May 20, 1972 (37 FR 10389), as revised by notice published on December 22, 1972 (37 FR 28307), the Commission served notice that it intended to republish and revise General Order 13, which generally establishes the Commission's tariff filing requirements.

In response to the Notice of Proposed Rulemaking, 12 comments were submitted by, or on behalf of, steamship companies and conferences thereof. Replies to these comments have been filed by Hearing Counsel and seven answers to Hearing Counsel's replies have also been submitted. The Commission has carefully considered the position of all the parties and the final rules promulgated herein have been drafted with the parties' comments and arguments in mind. Comments and arguments not specifically discussed or reflected herein have been nevertheless considered and found not relevant, material, or justified. Because of the many and varied revisions incorporated on our final rule we deem it appropriate to discuss certain portions of the rule and the comments submitted with respect thereto.

Section 536.0 *Purpose*, sets out the purpose of Part 536. Comments were made only to that portion of this section which requires that carriers subject to the Shipping Act, 1916, file tariffs of through rates over any established through routes.

To clarify a misunderstanding that has apparently arisen, this Part is designed, *inter alia*, to encourage the development of through intermodal transportation but does not require the establishment of any through routes or rates. Once such rates or routes are established, however, they must be filed with the Commission so that shippers will be fully informed of the services offered and the total charges to be assessed.

Section 536.1 Definitions, in paragraph (e), defines the term "local rates." One commentator is of the opinion that this definition should be limited to a port-to-port rate offered by a single water carrier. We disagree. This definition was not intended to be limited as suggested but is geared to intermodal services, that is, the situation where a local rate of an inland carrier becomes coupled to the local rate of a water carrier to become a through rate. Thus, this definition contemplates the filing of an inland rate only to the extent that it becomes part of a through intermodal rate.

Three parties addressed themselves to the definition of the term "through rates" as originally proposed. They pointed out that the definition does not enumerate every combination of rates which can make up a through rate. Since we find merit in this contention, we have revised the definition of "through rate" substituting the language proposed by Hearing Counsel. Therefore, section 536.1 (g) now allows for the inclusion of any rate over a through route regardless of the method by which the rate was constructed and eliminates attempting to enumerate every combination of rates.

As concerns our originally proposed definition of the term "through route", as set forth in § 536.1(j), the observation is made that the language thereof did not enumerate every possible combination of services. Additionally, it is argued that the definition of "port" in § 536.1(p), when read in conjunction with the definition of "through route" seems to make a "through route" out of a local single rate of a single carrier which includes delivery (or pickup) beyond the place where the cargo is actually discharged from (or loaded into) the vessel. As an example, there is cited the LASH operations as regard to which it is unclear under our definition whether the port is the mooring point or the point where the barge is unloaded. Consequently, it is suggested that the definition should include transportation beyond the "port terminal area." In response to this latter suggestion Hearing Counsel remark that whereas the term "port terminal area" is not defined in the rule, and thus can be subjected to various interpretations, the term "port" which is defined, removes any ambiguity in the definition in cases where through transportation actually continues beyond the point the cargo is loaded/unloaded from the ocean going vessel. Further, Hearing Counsel would simplify the situation by redefining "through route," as follows:

Through Route: An arrangement for the continuous carriage of goods between points

of origin and destination either or both of which may lie beyond the port.

We find merit in Hearing Counsel's revision since it allows the carrier to be able to respond to the commercial requirements by adapting to changing conditions. It is designed to apply to through movements over the routes of several carriers between places beyond the port which the proposed rule was intended to cover. Additionally, since "port" is defined as "a place having facilities to originate or terminate water transportation and at which the actual transportation by water commences or terminates as to any particular movement of cargo", we believe the redefinition of "through route" would clarify any ambiguity as to LASH services, or to any services utilizing motor vehicles. Accordingly, we have adopted the proposed revision of Hearing Counsel in our final rule.

Several parties commented on the definition of "transshipment" as proposed in § 536.1(k). It was urged by one party that feeder service and relay service be specifically excluded from the definition of "transshipment" since the term "relay" is synonymous with the term "transfer" and "feeder service" does not involve an agreement between carriers to establish a through route and a division of revenue which are characteristics of transshipment. We see no reason to make such a change since the transfer exclusion for "cargo between vessels operated by the same common carrier" is, as Hearing Counsel have noted, sufficiently broad to cover both "feeder" and "relay services."

Two other parties commented that this definition is inadequate since it does not provide in any way for the occasional transshipment performed by common carriers for a long period of time by the use of barges, lighter vessels, rail, truck and air. Not to include within the definition a reference to the aforementioned activities, will cause, argues these commentators, confusion in the interpretation of carriers' bills of lading. This is allegedly so because the shipping documents of carriers presently describe as "transshipment" activities typically associated with "substitute service" as originally proposed in these rules. This objection is misplaced since this definition is not intended to change any operations of the carriers under the statute or its Bills of Lading.

Another party expressed the fear that the definition of "transshipment" could be interpreted to govern more than the intended meaning of the term as used in the proposed rule. For the purpose of limiting the application of the definition, Hearing Counsel suggest that the phrase "for the purpose of this regulation" should be inserted after the word "transshipment." Since this modification coincides with the Commission's intent that the definition contained in § 536.1 apply only to this Part it has been incorporated in the final version of § 536.1(k).

With reference to our proposed definition of the term "interchange" as found in § 536.1(l), it is suggested that the

word "through" be eliminated from that part of the definition which states "... shall also mean the change from one mode of transportation to another in the course of international through intermodal transportation." It is argued that the use of "through" here is misleading since it implies the establishment of through joint rates or arrangements. These rules, as mentioned earlier, do not require the filing of a joint rate unless established as a through rate. Thus, the above suggestion is not well taken and we see no need to alter the language of this definition as proposed. We would also point out that the word "carrier" covers all types of carriers, and although "transshipment" could technically be included within the definition of interchange, "interchange" applies to land transfer only.

Upon evaluation the several comments concerning our original definition of the term "substitute service," in § 536.1(m) we find that a modification thereto is necessary. The language as originally proposed does appear to make a pickup and delivery service and a waterborne feeder service "an arrangement for through transportation" contrary to our decision in *Matson Navigation Co.*, 7 FMC 480 (1963). Further, while the proposed definition might appear to govern the use of the term "substitute service" as understood between the carrier and shipper in their commercial dealings, such was not its intention. This definition was intended only to apply to the compilation and filing of tariffs. Moreover, while many of the "arrangements" considered to be "substitute service" by the parties involved will be treated as "arrangements for through transportation" for tariff filing purposes, such arrangements will not be considered illegal *per se*, as suggested by parties. On the contrary, these services will continue to be reviewed on an ad hoc basis.

Section 18(b) of the Shipping Act, 1916 has always required that the services offered by ocean carriers in the U.S. foreign commerce be specified in detail and that the rates published cover all services encompassed with that offering to the public. That section of the statute also requires that rates be published between the ports served by water and that other privileges and facilities offered be stated separately. This definition merely requires that tariffs filed with the Commission comply with these requirements.

Accordingly, in the interest of clarity, we have adopted Hearing Counsel's modification to the proposed definition of "substitute service." As revised, § 536.1 (m) makes clear the distinction between through rates/routes and substitute service and should alleviate fears that the Commission is attempting to regulate accepted commercial practices through this rule. Since the latter is treated differently as regards tariff filing requirements, our definition of "substitute service" should facilitate the staff's job in processing tariffs.

With reference to § 536.1(o) and certain objections raised, we would point

out that carriers presently do not have the "right" to engage in port equalization and this rule is in no way intended to alter that procedure. The legality of port equalization practices are determined by us on an *ad hoc* basis. In order to make this fact absolutely clear we have limited the scope of our originally proposed definition with the phrase "for purposes of this regulation."

While one party was of the belief that the definition of "feeder service," for purposes of tariff filing, should be confined to water carriers, two others believed that it should be expanded to include other carriers where intermodal operations are involved. Another party pointed out that the existing definition does not make it clear that the common carrier by water bears the cost and assumes the risk of the "feeder service." Conceding that problems do exist as regards the proposed definition, Hearing Counsel suggest a modification thereto which has been adopted by us in our final rules. By limiting this definition to "feeder service by water" we avoid the pitfall of enumerating specific types of feeder vehicles.

Moreover, while it was suggested that we substitute, within the definition, the term "line-haul vessel" for the term "vessel" since most feeder vessels are also "ocean-going" but not "line-haul", we nevertheless, believe ours is the better alternative although either corrects the confusion that would arise when the feeder ship is an ocean-going vessel. Also, we would point out that "feeder service" which, we agree, may be operationally controlled or not so controlled by the ocean common carrier, is not (1) a "transshipment", as the relationship between the operator of the feeder service and ocean carrier is one of shipper/carrier, not carrier/carrier, and (2) constitutes direct port-to-port service, which thus excludes any involvement with "through rates" or arrangements for "through service," and therefore, distinguishable from "substitute service."

One party objects to and asked to have deleted the last part of the definition of "tariff" which states § 536.1(u), "... in the case of conferences (practices shown in the tariff) must be restricted to those practices authorized by the basic conference agreement." It is pointed out that the Commission has defined what must be authorized by a basic conference agreement and what constitutes "interstitial or routine activity". While Hearing Counsel agree that "interstitial or routine activity" need not be specifically mentioned in the basic conference agreement, they do not believe that the proposed definition in § 536.1(u) conflicts with this principle, pointing out that the rule only requires that the practices shown in the tariff be authorized by an agreement. Consequently, Hearing Counsel believed that no change in the wording of § 536.1(u) need be effected. We agree. This proceeding is not concerned with delineating the scope of section 15 or the requirements thereunder; it is strictly concerned with the filing of tariffs by common carriers.

Another commentator notes that when this definition is read in conjunction with the definitions of "through rate" and "through route" in § 536.1 (g) and (j) and the provision for filing tariffs through intermodal transportation in § 536.15, it appears to require the formal filing of a foreign inland rate when it is part of the combination through service, a requirement the Commission allegedly has no jurisdiction over. While the level of rates for transportation in a foreign country is beyond the scope of this rule-making, such rates are subject to the Commission's tariff filing requirements if they form part of a through rate filed by a carrier subject to the Commission's jurisdiction. The definition of "tariff," as used here, is intended to enable the Commission to regulate only those carriers and rates subject to its jurisdiction. In view of the foregoing we see no need to make any revisions in § 536.1(o).

Three parties commented on § 536.2 (k) which relates to the tariff ramifications of a carrier's admission to membership in a conference. Their argument is that this rule, as originally proposed, would favor a new conference member by allowing the new member to maintain its own tariff at lower than conference rates until cancelled on not less than 30 days' filing notice. It is not inconceivable, says one party, that non-conference members would file rate reductions before applying for conference membership, or, as new members, lower their rates during the 30 day interim before the conference rates became effective. Application of this section allegedly would, in effect, allow a new member to vote on "conference rates" but deny the conference a say in the rates of the new member, thus allowing the new member, for 30 days, to have the benefit of the conference's tariffs in addition to its own rates. Consequently, it has been proposed that a new member should be allowed to file initial tariffs on no notice provided the rates are not higher than conference rates.

From a practical viewpoint, we find it hard to believe that a conference would allow a new member with an individual tariff to have voting privileges on rate matters since the carrier would apparently be in violation of the conference agreement. Moreover, we fail to see how this 30 day requirement will cause irreparable harm to the conference, particularly since this rule is based upon the premise that the carrier is already in the trade and presumably competing with the conference. Nevertheless, the objections based on the discriminatory aspects of the proposed procedure are well taken. Accordingly, we have revised the last part of the rule to require that when a carrier's admission into a conference would, by virtue of that conference's tariff, result in an increase in the carrier's rates a 30 day notice of tariff cancellation prior to being admitted as a conference member be published. Such a provision with reference to the superceding conference tariff should answer

the objections raised by the parties, and at the same time not prejudice the shipper.

All the commenting parties objected to the proposed § 536.2(o) which prohibits a carrier and/or conference from publishing or maintaining any tariff that contains only a single rate for all commodities. This provision was incorporated into the rules because past experience has shown us that carriers sometimes file tariffs naming only a Cargo, N.O.S. rate in a particular trade without having any intention to enter and serve that trade. As a result, such carriers are in a position, if the opportunity arises, to obtain cargo that would otherwise be moved over the line of an established carrier already in the trade. Thus § 536.2(o) was written to remedy this procedure of filing so-called "convenience" tariffs. While the retention of the section is nonetheless justified, the practicalities of the situation require a reassessment. Carriers bent on getting around the proposed § 536.2(o) could easily do so by the mere expedient of publishing two rates, e.g. a rate on bicycles and a Cargo, N.O.S. rate, hence defeating the purpose behind this section. As a result, maintenance of the integrity of the section becomes effectively impossible. Consequently, we are left with no alternative but to delete this section from our final rules.

Several parties oppose proposed § 536.2 (p) which relates to the requirement that carriers file Information Circulars with the Commission. Generally stated, it is their position that this rule goes beyond the Commission's authority under sections 14(b), 18(b) and 43 of the Act since it has nothing whatsoever to do with the "form and manner in which tariffs . . . shall be published and filed." Without conceding this argument, we are deleting the challenged requirement from our final rules.

Section 536.3(f) sets out the format for tariffs filed with the Commission. We agree with, and have incorporated into our final rule, one party's suggestion that the "Index of Commodities" section should be changed to "Index of Commodities and Classifications" to show that only one index is required when the tariff has both class and commodity rate sections. In response to other commentator's concern, it should be noted here that this section is not intended to include ancillary charges which are customarily found in the rules section of the tariff. It is only a "surcharge and/or arbitrary/differential/outport differential" that is required to be shown separately under this rule.

Four parties object to § 536.4(a)(1) which requires that the title page of the carrier's tariff identify the carrier as either a vessel operating common carrier (VOCC) or non-vessel operating common carrier (NVOCC). Two parties maintain that such designation requirement is redundant since § 536.4(b)(2) already requires it. Two other commentators contend that VOCC's should be exempt from the requirement of this sec-

tion arguing that it is the NVOCC that causes confusion to the public as to what services are actually being performed. Finally, it is argued that to require a carrier to identify itself as a VOCC is degrading and belittles the common carrier status. In response to Hearing Counsel's reply that this requirement is needed to avoid the existing confusion, irrespective of whether it is caused by the NVOCC's or VOCC's, one of the parties submits that identification would prove extremely burdensome if more than one type of carrier is participating in a single conference tariff. Consequently, it is suggested that those who perform forwarding services but do not perform transportation services should so indicate in their tariffs. We can not subscribe to these comments or their suggested solutions.

The requirement that carriers be identified in their tariffs as required in § 536.4(a)(1) and through their tariff participation as required in § 536.4(b)(2) as either NVOCC's or VOCC's is necessary in order for the public and the Commission to readily ascertain the type of service performed. Furthermore, aside from adapting to new procedures we fail to see how this rule imposes undue burden on VOCC's or conferences. Accordingly, we have adopted § 536.4(a)(1) as proposed.

Only one party commented on § 536.4(a)(3), as proposed, and then only to the last sentence thereof which reads:

When the trade name is utilized by a partnership or a joint service, the number of the approved agreement shall also be shown.

We agree that the reference to "partnership" may be misleading since it could include a partnership agreement between parties not subject to Commission jurisdiction which does not need section 15 approval. Accordingly, we have deleted this last sentence in our final rules.

All those who responded to § 536.4(a)(4)(i) believe that the requirement that carriers specifically list those ports in the range which are not served is both unnecessary and unreasonable, should be deleted. It is emphasized that within any given range of ports there are "hundreds" of ports which are not served for a multiplicity of reasons and that a requirement making carriers state these considerations would impose a straight-jacket on their operations and ability to provide service. Thus, these commentators see no reason why carriers cannot continue their past practice of just naming ranges of ports in the carrier's tariff.

Since section 18(b) of the Act unequivocally requires that tariffs show the ports between which freight will be carried, obviously a statement limited to the range of ports alone does not satisfy this requirement. However, recognizing that a shipper must be able to ascertain from the tariff the places between which freight will be carried and at the same time wanting to accommodate the carrier, we have allowed the filing of the range of ports with the requirement that any excluded port be specifically indicated. It must be kept in mind that the

carrier is not being obligated to use a statement of the range of ports, but if it elects to do so then it must indicate any exclusion thereto. This does not mean however, as Hearing Counsel have indicated, that "each fishing village no matter how small" must be listed in the exclusion. Accordingly, we see no reason to revise § 536.4(a)(4)(i).

Five parties objected to the last sentence of proposed § 536.4(a)(12) which provides that separate bills of lading tariffs or rules tariffs referred to in such rate tariff must be furnished without charge. Two commentators offered the suggestion that in lieu of the contested requirement the carrier need only provide the subscriber with a copy of the bill of lading applying to the tariff in question. We interpret such a proposal as merely requiring the carrier/conference to mail a blank bill of lading reflecting any change occurring in the bill of lading incorporated in the tariff. The problem with this proposal, and the reason we must reject it, is that the shipper would be unable to tell if the blank bill of lading was on file with the Commission.

Nor can we accept a proposed revision to this rule which, in effect, would provide that a carrier need only furnish a bill of lading tariff for a "reasonable charge," where the subscriber requests same. This suggestion flies in the face of the express language of section 18(b) of the Act and must be rejected.

Section 18(b) of the Act is very specific. It provides that tariffs filed with the Commission "shall include specimens of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement. Consequently, we read section 18(b) requiring a carrier/conference to provide to a subscriber, at a reasonable charge, a complete tariff, i.e., a copy of all tariffs filed with the Commission, including the bill of lading and contract of affreightment. If the carrier or conference elects to have a separate bill of lading tariff, then the subscriber, as part of his original subscription fee, is entitled to a copy of it. In effect, therefore, § 536.4(a)(12), which we have made part of our final rules, is only an elaboration of a requirement already in the statute.

Section 536.4(b)(10)(ii), *Effective Date Rule*, as proposed, requires, in effect, that rate changes must be effective no earlier than the date the cargo is received for transportation nor later than the vessel sails. A review of this rule and the comments submitted with respect thereto indicates that this provision as presently drafted can be interpreted to permit a carrier to charge different rates for identical cargo transported on the same vessel and under similar conditions, a situation that this rule was meant to remedy. Hence, we have concluded that the last two sentences of § 536.4(b)(10)(ii), as proposed, should be deleted since not to do so might compound the problems already existing with regards to the effective date of a rule change. However, we have retained the requirement that:

Every tariff shall contain a rule which sets forth in clear and definite terms the time at which a rate becomes applicable on any particular shipment.

Since we believe that a rule prescribing specifically when a rate will become effective is desirable, we have directed our staff to explore the feasibility of instituting a rulemaking proceeding looking towards the promulgation of such a rule.

Section 536.4(b)(10)(iii) states that any document evidencing the transportation agreement "shall not contain provisions which are inconsistent with or which conflict with the rules and regulations published in the applicable tariffs." The parties commenting are, in essence, asking that carriers be allowed to continue to have rules in their tariffs under which cargo will be accepted which are different from those specifically set forth in the bill of lading. This we cannot permit. Since a bill of lading must by law be filed together with its respective tariff and the former becomes part of the latter, there should be no conflicts. Thus, the purpose of this rule is to insure that a carrier's bill of lading does not conflict with the corresponding tariff. This section is not, as some commentators feared concerned with prescribing the carrier's bill of lading form. Accordingly, we have incorporated § 536.4(b)(10)(iii), as proposed, into our final rules.

Section 536.4(b)(10)(v), as proposed, states that in accordance with our freight forwarder rules a carrier's tariff must contain a rule specifying the rate(s) for freight forwarder compensation. One party submits that this rule should be deleted because the payment of forwarder compensation is not a rate or charge for transportation. It further argues that this rule is impractical when applied to intermodal rates that include interstate transportation under the jurisdiction of the ICC, because that agency has prohibited the payment of "compensation" to freight forwarders. Another commentator found no problem with this rule, but believed the phrase "on the ocean freight" after the words "to be paid" and before the words "to licensed ocean freight forwarders" should be added to conform it to its obvious intent.

Section 44 of the Act does not require that a carrier pay brokerage fee to a freight forwarder. However, if the compensation is paid, this rate should be part of the carrier's tariff, if only to put the shipper/consignee on notice. Moreover, if the carrier elects not to pay such fees, this rule will not require the carrier to note this in its tariff. The words "on ocean freight", in our opinion, add nothing to what is commonly understood to apply when referring to compensation received by an ocean freight forwarder and we see no reason to adopt that suggestion.

It will also be noted that in the final rule reference is made to section 510.24 rather than only paragraph (f) thereof. On reconsideration, we found the original reference to be unnecessarily restrictive. Accordingly, subject to the aforementioned modification, section 536.4

(b)(10)(v) has been made part of our final rules.

Section 536.4(b)(10)(vi), as originally proposed, sought to impose a hard and fast mandate that all applicable arbitraries and surcharges, stated in percentages, be aggregated for the purpose of computing freight. While sometimes this is feasible and desirable, there are times, as pointed out by the commenting parties, when to do so would deprive carriers of justified and reasonable freight charges. Accordingly, we have adopted as part of our final rules Hearing Counsel's revision to § 536.4(b)(10)(vi) which allows carriers to state the manner in which surcharges and arbitraries, stated in percentages, shall be applied in the calculation of freight charges. This revision should resolve the problems allegedly created by our proposed rule and does not conflict with the purpose of tariffs which is to serve notice to the shipping public of service offered and its cost. The revision also affords all interested parties with an opportunity to determine whether the formula established is a fair and reasonable one.

Four parties commented on § 536.4(b)(10)(vii) which contains tariff filing requirements when transshipment services are offered pursuant to a nonexclusive transshipment agreement or a transshipment agreement approved under section 15. We have been presented with suggested changes in the rule which, according to the parties, would further clarify the Commission's intent. However, we find that the revisions suggested add nothing and that the proposed rule is sufficiently clear on its face to meet the situations posed by the parties. Finally, in response to the suggestion that Exhibit 8, which provides the format for setting out the substance of § 536.4(b)(10)(vii), be used only as a model and not "substantially" the form itself, we would note that there is nothing in this rule to prevent an interested person from petitioning the Commission with a more adequate form than Exhibit 8. Until such time as a better format is arrived at, however, the format provided in Exhibit 8 should be followed.

The thrust of § 536.4(b)(10)(viii) entitled "Minimum Quantity Rate" is that a carrier cannot charge for a small shipment more than it could charge for a large shipment over the same distance, all things being equal. As originally worded, § 536.4(b)(10)(viii) could be read to imply that the rate per freight unit rather than the entire freight on the lesser quantity must not exceed that of the greater quantity. To remedy this possible misinterpretation we have, consistent with one party's suggestion, revised the proposed rule to include certain language changes to clarify the intent behind § 536.4(b)(10)(viii). This revised rule will allow this carrier to establish volume rates which may be based on (1) a particular pier location where there are special heading equipment, facilities and/or (2) lower costs to load/unload certain types of cargo. Further in response to another suggestion we have

amended § 536.4(b)(10)(viii) to cover special consideration applicable to container traffic. By preserving the shippers option to ship less than a minimum quantity at the minimum quantity rate or at the ordinary commodity rate, depending on which results in the lower freight charges, this later amendment, we agree, will encourage shippers to stuff containers more efficiently and allow them the advantages of container transport at the ordinary unit freight rate.

Section 536.4(b)(10)(xvi) governs reference to other rate tariffs. Two parties suggest that, in the interest of organization this section should be amended to mention the other rules permitting reference to separate tariffs, specifically § 536.5(f) and (g), which provide for separate tariffs showing a listing of commodities; § 536.10(a), which provides for separate enumerated tariffs, and; § 536.10(b), which allows separate tariffs governing the transportation of explosives and other dangerous articles. We agree that such a revision is desirable and therefore have amended our final rules accordingly.

Section 536.5(o) requires, *inter alia*, that "temporary, emergency or special rates conditioned upon an expiration date or other factor shall be shown under the same commodity or generic heading or class in the same place in the tariff as the ordinary applicable rates." Two parties remark that while not impossible of execution, this rule does not reflect the general trend in the publication of project or emergency rates. In this connection, it is pointed out that project rates, generally cover any and all commodities involved in the particular project, making it impossible to designate by commodity. Thus, we are asked to amend § 536.5(o) to allow, in essence, a carrier to publish such rates in a special section of tariff. Not only do we not see a real need for such amendment, but we believe that its inclusion might well hamper or frustrate the staff's review of such tariffs, allowing for the establishment of non-bonafide "project rates." In any event, "project rates" are generally limited to rates on materials and equipment to be employed by the shipper or consignee in the construction or development (and in some cases, the maintenance and operation), of certain designated facilities. As such, and when used properly they are not offered that often. Thus we see no hardship caused in requiring carriers/conferences to publish their "project rates" in the commodity section.

In response to the other point raised we agree with Hearing Counsel that if a carrier finds it impossible to identify temporary, special or emergency rates with specific commodities, it can request special permission to deviate from this rule. Lastly, and in answer to the allegation that "other factor" as used in this section is "too obscure," we would explain that "other factor," as used in § 536.5(o), include anything other than expiration date, and is merely intended to describe the cargo being accorded the

special rate, i.e., type, quantity, etc. In view of the fact that this term "other factor" has been in use in General Order 13 in the same context as it is here for a number of years and no particular problems with regards to its practical interpretation have been called to our attention, we are impressed with the challenge raised. Moreover, to attempt to more specifically define the term might well cause the exact confusion that we are asked to avoid. Accordingly, no changes have been made in § 536.5(o).

Four parties commented on § 536.6(a)(2) which deals with the filing of amendments to tariffs. They directed their criticism to that part of the rule that deals with the 90-day filing requirement for contract rates. One party stated that the requirement that no increased rate be permitted until the lower rate has been in effect for 90 days is a matter of substantive regulation which cannot be included within the ambit of "the form and manner of filing tariffs" since it appears to improperly preclude the filing of, for example, a second emergency surcharge, to cover some new circumstance until the effective date of the imposition of a first surcharge. Another party believes that a filing distinction of 90 days between those using contract rates and noncontract shippers favored the latter because such a filing requirement, by putting all shippers on notice of any contract rate increase, would tend to negate any special benefit that the contract shippers might have gotten from the 90-day notice provision in dual rate contracts. Two other parties argued that nonconference carriers should be granted parity with conference carriers which through their "approved merchant contracts" are allowed to establish surcharges resulting from *force majeure* upon 15 days' notice. Consequently, they submit that we adopt an amendment to this rule which would grant to all carriers a continuing special permission to publish emergency surcharges on 15 days' notice. We find little merit in these arguments.

Section 536.6(a)(2) constitutes but a restatement of sections 14(b)(2) and 18(b)(2) of the Act. The 90-day requirement follows the letter and spirit of section 14(b). Thus, the commentators concerns, whether or not they are justified, are with the statute itself, as Hearing Counsel have pointed out. Moreover, and contrary to the unsupported allegations of one party, the rates are not frozen by the 90-day notice requirement, since the carriers/conferences may invoke the "force majeure" or "extraordinary conditions" clauses of their contracts to increase rates on less than 90 days' notice, where justified. The allegation made by another commentator that the *force majeure* clauses discriminate in favor of nonconference carriers is clearly unwarranted since such carriers are free to request special permission under 18(b)(2) of the Act to increase their rates on less than 30 days' notice. Therefore, and on the basis of the above we find the suggested revisions to be unacceptable and,

accordingly, adopt § 536.6(a)(2) as proposed.

Section 536.6(c)(3), provides that once a temporary amendment is received by the Commission it "cannot be withdrawn or rescinded in any manner." The two parties who commented on this section wanted this rule to be expanded to allow a carrier to amend its temporary filing for obvious errors. Further, they urged that if a carrier, on or before the effective date of such temporary filing, amends the filing on statutory notice observing the same effective date (or a future date), the carrier should be permitted to reflect the full change in its permanent filing. We cannot abide by such a procedure since, as Hearing Counsel have pointed out, it would cause serious confusion in that the shipping public would never be sure whether a temporary filing was actually in effect. In any event, the carrier would have available to it the special permission rule which could serve to alleviate hardships caused by having to amend its temporary tariff.

Lastly, in order to correct an abused practice, hand written alterations of previous filed tariff page will no longer be accepted by the Commission's staff. We have found that time spent in deciphering penned-in writings has resulted in a waste of time and manpower and caused an unnecessary administrative burden. Accordingly, and consistent with the foregoing, we see no need to revise § 536.6(c)(3), and it has been incorporated into our final rules.

Section 536.6(c)(4) requires that a carrier or conference making a temporary filing shall furnish such filing to all subscribers at the same time as filed with the Commission. In addition to the argument that the shipper has a responsibility to consult the Commission files to determine what the rates are, we are also presented with the contention that this rule is nothing more than an unnecessary burden on the carrier since there is no statutory requirement that tariff subscribers be furnished even the regular tariff changes on the same date that they are filed with the Commission and that the statute only requires that tariffs be made available to the shipping public at a reasonable price. We are not swayed by these arguments.

Section 18(b) of the Act specifically requires that subscribers receive a complete tariff, which to us clearly includes any temporary filings thereto. There has been no sound reason demonstrated that justifies depriving a subscriber of amendments to tariffs as part of his subscription price. If a carrier makes a mistake, the shipper should not suffer as a result thereof. Lastly, § 536.6(c)(4), as adopted by us, requires only that the carriers send out, simultaneously, copies of temporary filings both to its subscribers and to the Commission, not that subscribers be in possession of tariff corrections on the same date that the Commission receives its copy.

Three parties commented on § 536.6(c)(5) which requires in pertinent part, that a permanent filing containing the date any type of temporary filing which

preceded it must be received by the Commission within 15 days after receipt of the temporary filing if sent from within the continental United States. We concur with Hearing Counsel that the identification of the temporary filing is not a useless inclusion, but quite the contrary, will ultimately benefit the carrier since such a procedure would more than likely prevent a rejection of a tariff because the temporary filing cannot be located. We also find merit with the observation of two of the commentators that considering the irregularity of the U.S. mail service, the 15 day provision should be expanded to 20 days so as to avoid difficulties. Accordingly, we have adopted such time change in § 536.6(c)(5) of our final rules.

Section 536.6(d)(1) states that the Commission will reject tariffs which "fail in any respect to conform with sections 18(b) and 14(b)." The one and only party commenting on this rule argued that the Commission has no authority to reject for failure to comply with section 14(b). To make such a rejection, continues this party, is to deny to conferences using the contract rate system their right to a hearing as a condition for the issuance of any order under section 14(b).

We believe it firmly established that this Commission can reject a tariff filing without an evidentiary hearing when such filing is deficient on its face, or is obviously or *per se* unlawful under a substantive provision of the Shipping Act. *Federal Maritime Commission v. Australia/U.S. Atlantic and Gulf Conference et al.* 337 F. Supp. 1032 (S.D.N.Y. 1972). *Municipal Light Board of Reading and Wakefield, Mass. v. F.P.C.*, 450 F.2d 1341 (1971), cert. denied 405 U.S. 989 (1972). This conclusion is not only consistent with the authority accorded the Commission in section 18(b) of the Act but, were it otherwise, the Commission would be forced to undertake the time and expense of a possible protracted proceeding to substantiate an obvious finding of a violation. As the Commission itself recognized in *Rejection of Tariff Filings of Sea-Land Service, Inc.* 13 FMC 200 (1970), however, such rejection would not apply where the violation asserted in support of the rejection raises a legitimate question of fact.

Section 536.7(a) provides that, *inter alia*, general rate increases may be accomplished by filing of a tariff supplement which must be incorporated into the tariff within 90 days. It further provides that "no more than one such supplement may be in effect at any time." One party submits that it seemed somewhat extreme to require that a supplement must be incorporated within the tariff before a further supplement, possibly dealing with an entirely different situation, can be introduced. Therefore, we are urged to modify this rule to allow for a second supplement within the 90-day period, which would be consolidated with original supplement. We agree with Hearing Counsel that this rule imposes no hardships for the carrier/conference since implicit in this rule is the right of the carrier/conference to petition the

Commission for special permission to implement on 30 days' notice a second general rate increase which would be consolidated with the original supplement. Consequently, proposed § 536.7 remains unrevised.

Section 536.8(a) sets forth procedures for obtaining special permission from the Commission. Five parties have submitted comments thereto. At the outset, we would point out that we agree with one of the parties that clerical errors should be added to typographical errors as constituting "good cause for special permission," especially since the General Order 13 presently incorporates both types of errors. Accordingly, § 536.8(a) has been amended to so provide. On the other hand, we find little merit in the corresponding argument that the requirement that the carrier show evidence of the error and a "full statement of the attending circumstances" is redundant. The Commission, in making the necessary determination, should have evidence of the error (i.e., a copy of the erroneous tariff with documented proof of what the proper rate is) accompanied by facts explaining the circumstances involved. A statement of facts only is insufficient.

The suggestion was also advanced that the Commission should entertain applications for special permission under section 14(b) of the Act similar to that which can be done under section 18(b) of the Act. We cannot accede to such a suggestion. Unless authority exists in the Act for the Commission to waive requirements of section 14(b), the Commission is powerless to do otherwise. Whereas section 18(b)(2) of the Act provides that the Commission "in its discretion and for good cause" may allow rate changes to become effective in less than the statutory period, section 14(b) has no similar language.

Another party argues that the last sentence of this rule, which, in effect, states that section 14(b) "does not permit the Commission to allow relief," implies that the 90-day rule is inflexible, and thus urges us to amend this sentence to explain that this 90-day rule applies only when the increase in contract rates is "under the control of the carrier or conference of carriers." Such suggested revision is neither justified nor necessary since the 90-day requirement is subject to the "force majeure" and "extraordinary circumstances" clauses in dual rate contracts.

Section 536.15, generally, concerns itself with special rules governing the filing of intermodal tariffs. Four parties strongly argue that the Commission has no statutory authority to establish such rules and suggest, therefore, that the provisions relating to intermodal operators be held in abeyance until such time as legislation dealing with the concept of through intermodal transportation is enacted. This suggestion and the argument upon which it is based are without merit and must be rejected.

Section 18(b)(1) of the Act requires that carriers/conferences in foreign commerce file with the Commission rates and

charges "for transportation to and from the United States ports and foreign ports between all points on its route and on any through route which has been established" (emphasis added). Thus, the requirement clearly applies not only to port-to-port traffic, as suggested by one of the parties, but to through routes as well. Therefore, since the authority to require the filing of intermodal tariffs by carriers subject to the Act already exists, we see no reason to delay what, we believe, has been clearly required by law.

Section 536.15(c)(3) as proposed, in part, requires the publication of a rule setting forth the liability of the participating carriers on a through movement and also establishes the liability of through carriers for loss/damage of property. Upon review of the comments and reconsideration of the objectives and purposes of this section, we are deleting from the final rule all but the requirement that a rule setting forth the various liabilities and responsibilities be included in the body of the tariff.

Section 536.15(d)(1) as proposed requires the VOCC to break out the port-to-port or water portion of the through route by showing it either next to the through rate or directly under either the commodity description or the through rate or, under certain circumstances, as a percentage of the through rate. Two parties insist that because NVOCC regulations do not require "ocean division," but only "ocean-rate factor," to be shown in the tariff, there is no way to have a divisional apportionment of a through rate between a NVOCC and a VOCC. From these comments, it is apparent that there is widespread misconception of our regulation of the NVOCC. We have always considered the NVOCC as any other common carrier by water. All sections of the Shipping Act, 1916 are applicable to the NVOCC as is the entirety of this General Order. The port-to-port rate which this section requires is the port-to-port rate of the common carrier by water. It matters not whether that common carrier operates vessels.

Two other parties express concern with section 536.15(d)(1). One argues that this section fails to recognize that the inland component of a through rate for a particular commodity is capable of widespread variation in view of the numerous points of origin and destination; therefore, it may not be possible to show in a tariff the through rate itself for each commodity. The other party believes that the requirements of this rule is not consistent with the present practice of intermodal "mini-bridge" operators and should be modified to reflect more flexibility. It was pointed out that while joint rates are expressed in terms of a rate per weight ton or measurement ton, the contracts with participating railroads provide for the railroads to be paid a specific amount per container. Thus, it is contended that there is no way prior to actual loading of the container to determine what the rail division would be on a weight or measurement basis and that there would also be no way to express the port-to-port rate on any commodity as part of an intermodal tariff.

While we realize that under certain circumstances difficulties may exist in breaking out the port-to-port rate, the fact remains that the law clearly requires that this be done. Thus we do not believe that the aforementioned objections warrant any revisions in § 536.15(d)(1). In response to another comment and in accordance with a proposal advanced by Hearing Counsel, we are amending this section to distinguish between filing requirements pertaining to single factor through rates and combination through rates. Likewise, to make it clear when a ICC or CAB tariff must be incorporated into a through intermodal tariff filed with us, the word "must" has been substituted for "may" in the first sentence of § 536.15(d)(2). This revision is consistent with the purpose of this rule which is to guarantee that shippers will be fully informed of their total charges. Further, the break out of the port-to-port segment of the transportation will enable the Commission to regulate the carriers and rates subject to its jurisdiction.

Section 536.15(e) requires that a memorandum of every arrangement for through intermodal transportation between a carrier/conference subject to the Act and persons not so subject must be filed with the Commission concurrently with the filing of the through intermodal rate tariffs. While one party states that it is outside the Commission's authority to require the filing of the latter type "arrangements," another argues that the filing of such agreements concurrently with the filing of intermodal tariffs is unnecessary since such an agreement has to be filed independently with the Commission pursuant to section 15 of the Act. Therefore, it was suggested that the phrase "concurrently with the filing of the through intermodal rate tariffs" be deleted. We find little merit in these arguments.

Section 536.15(e) is intended to advise the Commission of those persons not subject to the Act who could become so subject by entering into joint rate arrangements. Intermodal tariffs do not, and should not be required to contain the minute detail of the carriers' operations at the interface of land and water carriers which affect the revenues of the ocean carrier subject to our regulation. The requirement that the memorandum of arrangements be filed will permit the Commission's staff to verify the consistency of the tariff offering with the actual arrangement. Also by this section the Commission will have the benefit of knowing whether or not any agreements between persons not subject to the Act and those that are, have to be submitted for section 15 approval. We would point out however, that only those carriers actually participating by agreement in offering the same through rate in the same tariff are required to file under this rule. On the basis of the foregoing, therefore, this section which we might add, is consistent with the one presently embodied in Amendment 4 of General Order 13, has been incorporated into our final rules.

Therefore, pursuant to the authority of section 4 of the Administrative Pro-

cedure Act (5 U.S.C. 553) and sections 14b, 18(b), and 43 of the Shipping Act, 1916 (46 U.S.C. 813a, 817(b) and 841a), Part 536 of 46 CFR is hereby revised to read as follows:

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Sec.	Purpose.
536.0	Definitions.
536.1	Filing of tariffs; general.
536.2	Form and preparation of tariffs.
536.3	Contents of tariffs.
536.4	Statement of rates.
536.5	Amendments to tariffs.
536.6	Supplements.
536.7	Application for special permission.
536.8	Statement of terminal and other charges; and free time allowed at New York.
536.9	Other governing tariffs.
536.10	Transfer of operations; changes in the name and control; changes in conference membership.
536.11	Delegation of authority to file tariffs.
536.12	Transportation of U.S. Department of Defense cargo under competitive rates approved by Military Sealift Command (MSC).
536.13	Exemptions.
536.14	Special Rules governing the filing of tariffs containing rates and charges and/or rules and regulations for through intermodal transportation.
536.15	Effective date of this part and time limit within which tariffs must comply herewith.

AUTHORITY: The provisions of this Part 536 issued under sections 14b, 18(b), 43 of the Shipping Act, 1916, 46 U.S.C. 813a, 817(b), 841a. The reporting requirements contained in Part 536 have been approved by the U.S. General Accounting Office under number B-180233 (R0226).

§ 536.0 Purpose.

(a) Section 18(b) of the Shipping Act, 1916, requires every common carrier by water in foreign commerce and every conference of such carriers to file with the Federal Maritime Commission, and keep open to public inspection, tariffs showing all the rates and charges of such carrier or conference for transportation to and from U.S. ports and foreign ports between points on its own route and on any through route which is established. It is further required that such tariffs shall plainly show the places between which freight will be carried and shall contain the classification of freight in force, and shall also state separately such terminal or other charge, privilege, or facility under the control of the carrier or conference which is granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part of the aggregate of such aforesaid rates, or charges, and shall include specimens of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement. Copies of such tariffs shall be made available to any person, and a reasonable charge may be made therefor.

(b) The provisions of section 18(b) that rates and charges be filed "on any through route which is established" and that rules and regulations which in anywise change, affect, or determine any part of the aggregate of such rates "... for transportation to and from U.S. ports and foreign ports", require that the carriers subject to the Shipping Act, 1916, file with the Commission any through rate and route in which they

participate for transportation between ports or points in the United States and ports or points in a foreign country.

(c) The purpose of this part is to provide rules governing the form and manner of filing tariffs by common carriers by water and conferences of such carriers in the foreign commerce of the United States.

§ 536.1 Definitions.

The following definitions of terms used in this tariff circular shall apply unless the context indicates otherwise.

(a) *Person*. The term "person" includes individuals, firms, partnerships, corporations, companies, associations, joint stock associations, trustees, receivers, assignees, or personal representatives.

(b) *Carrier*. The term "carrier" means a common carrier or nonvessel operating common carrier (NVOCC), as defined in section 510.21(d) of the Commission's rules, engaged in the transportation of property.

(c) *Water carrier*. The term "water carrier" means a common carrier by water in the foreign commerce of the United States as referred to in section 1 of the Shipping Act, 1916.

(d) *Conference*. For the purpose of this tariff circular only, the term "conference" means any association of common carriers by water, in the foreign commerce of the United States, which is permitted, pursuant to an agreement approved by the Commission under section 15 of the Shipping Act, 1916, to discuss and establish rates and practices for the common carriers who are members of the approved agreement.

(e) *Local rates*. The term "local rates" means rates or charges for transportation over the route of a single carrier (or any one carrier participating in a conference tariff) between two points, the application of which is not contingent upon a prior or subsequent movement or any other separate consideration.

(f) *Proportional rates*. The term "proportional rates" means those rates or charges assessed by a carrier for transportation services; the application of which are conditioned on a prior or subsequent movement.

(g) *Through rate*. The term "through rate" means a rate representing the charge to the shipper by a carrier or carriers for providing transportation over a through route.

(h) *Class rates*. The term "class rates" means rates applicable to all articles which have been grouped or "classified" together in a classification tariff or a classification section of a rate tariff.

(i) *Commodity rates*. The term "commodity rates" means rates applying on a commodity or on commodities specifically named or described in the tariff in which the rate or rates are published.

(j) *Through route*. The term "through route" means an arrangement for the continuous carriage of goods between points of origin and destination, either or both of which may lie beyond the port.

(k) *Transshipment*. For the purposes of this part, the term "transshipment"

means the physical transfer of cargo from the vessel of one common carrier by water to a vessel of another common carrier by water. The transfer of cargo between vessels operated by the same common carrier by water shall not be deemed to be "transshipment" for the purpose of this regulation. Neither shall the transfer of barges or lighters from or to oceangoing vessels be considered "transshipment" for the purpose of this regulation when the water carrier subject to regulation under this part offers the complete water service to the public from the point of loading to the point of unloading of the barge or lighter conveyances.

(l) *Interchange*. (1) "Cargo interchange" shall mean the transfer of cargo from one carrier to another, either prior to or subsequent to the carriage by water in foreign commerce, and shall also mean the change from one mode of transport to another in the course of international through intermodal transportation.

(2) The term "equipment interchange" shall mean the transfer of carrier equipment such as container, trailers, pallets, barges, lighters, and other transportation equipment from one carrier to another prior to, during or subsequent to through transportation.

(m) *Substitute service*. The term "substitute service" shall mean the use of the facilities of another carrier or another mode of transportation than that which the carrier normally and regularly offers to the public. Further, "substitute service" shall mean those instances where transportation of cargoes is occasionally performed by utilizing the transport facilities of another carrier due to unexpected operating exigencies. For the purpose of this regulation, substitute service does not mean the offering or performing of a regular service by means of overland or air transportation over part of the route; or by using a waterborne feeder service not under the control of the publishing water carrier.

(n) *Absorption*. The term "absorption", when used in connection with the transportation of cargo, shall be deemed to mean, for the purpose of this regulation, the assumption of any or all of the cost of performing a transportation or other service from revenues received in the course of performing a different service.

(o) *Equalization*. For the purpose of this regulation, the term "equalization" shall mean that allowance or payment made by a carrier to a shipper which, when deducted from the cost of transportation to or from the port served by the carrier, and/or consignee, will equalize the costs actually incurred with the costs which would have been incurred had the cargo been routed to the nearest port.

(p) *Port*. When used in this part the term "port" means a place having facilities to originate or terminate water transportation and at which the actual transportation by water commences or terminates as to any particular movement of cargo.

(q) *Feeder service by water*. The term "feeder service by water" shall mean the

transportation of cargo by water by an ocean carrier between ports directly served by its vessels and ports not so served.

(r) *Intermodal transportation*. The term "intermodal transportation" means the carriage of cargo from origin to destination utilizing, during the movement, two or more different modes of transportation, at least one of which is water carriage, subject to the Shipping Act, 1916.

(s) *Open rate*. The term "open rate" applies when a conference relinquishes or suspends ratemaking authority, in whole or part, over a specified commodity or commodities, thereby permitting each individual carrier member of the conference to fix its own rates on such commodity or commodities.

(t) *Dual rates*. The term "dual rates" means that system of rating, established pursuant to section 14b, Shipping Act, 1916, in which a carrier or conference is permitted to offer a lower rate to a shipper who has contracted to give all or a fixed portion of his patronage to such carrier or conference, and at the same time offer a higher rate to shippers who are not signatory to such contracts.

(u) *Tariff*. The term "tariff" means a publication containing the actual rates, charges, classifications, rules, regulations, and practices of a carrier or conference of carriers for transportation by water; or for through intermodal transportation, a segment of which is performed by a carrier by water. For the purposes of this tariff circular, the term "practices" refers to those usages, customs, or modes of operation which in anywise affect, determine or change a transportation rate, charge or service provided by the carrier and, in the case of conferences, must be restricted to those practices authorized by the basic conference agreement.

(v) *Tariff filing*. The term "tariff filing" means any tariff, or modification thereto, which is received by the Commission as filed pursuant to these rules.

(w) *Commission*. The term "Commission" means the Federal Maritime Commission.

(x) *Open for public inspection*. The term "open for public inspection" means that each carrier shall maintain a complete and current set of the tariffs used by it or to which it is a party in each of its offices and those of its agents in any city where it transacts business involving such tariffs.

(y) *Act*. The term "Act" means the Shipping Act, 1916.

(z) *Joint rates*. The term "joint rates" means rates or charges established by two or more carriers for transportation over the combined routes of such carriers between a port and a port, a point and a point, or a combination thereof.

§ 536.2 Filing of tariffs; general.

(a) Where used in this part, the words "filing", "filed", or "file" when used with respect to time of filing with the Commission shall mean actual receipt by the Federal Maritime Commission at its offices in Washington, D.C., United States of America.

(b) All tariffs shall be published and filed by an officer or employee of the carrier, or if a conference tariff, by an officer or employee of the conference. In the alternative, publication and filing may be accomplished through an agent authorized to act for such carrier or conference as provided in section 536.12.

(c) No carrier or conference shall publish and file any tariff or modification thereto which duplicates or conflicts with any other tariff on file with the Commission to which such carrier is a party whether filed by such carrier or by an authorized agent. Neither shall any carrier publish and file any tariff or modification thereto which conflicts with any other tariff on file with the Commission and which names such carrier as a participant thereto.

(d) All tariffs published in a foreign language shall be accompanied, when submitted for filing with the Commission, by three true copies translated into the English language.

(e) All tariffs filed with the Commission, except temporary filings as permitted hereinafter in § 536.6(c) (1) shall be accompanied by a letter of transmittal which shall clearly identify the tariff and pages involved. If the sender desires a receipt, a duplicate of such letter must be furnished together with an envelope approximately 4½ by 9¾ inches completely blank except for the name and address of the sender. The duplicate will be stamped with the date of receipt by the Commission and returned to the sender. If a duplicate and an envelope are not submitted, a receipt will not be furnished.

(f) All tariffs, except as hereafter provided, shall be filed in triplicate. Temporary filings made by mail, as permitted in § 536.6(c) (1) shall be filed in triplicate. Temporary filings made by telegraph or cable, as hereafter provided in § 536.6(c) (1) are not subject to the triplicate filing requirements of this section.

(g) Tariffs sent for filing shall be addressed to:

Federal Maritime Commission
Washington, D.C. 20573

(h) Each carrier shall keep open for public inspection all tariffs published by it or to which it is a party in the foreign commerce of the United States.

(i) Carrier participants in a conference tariff are not relieved from the necessity of complying with the Commission's regulations and the requirements of section 18(b) of the Act with regard to keeping tariffs open for public inspection.

(j) The obligation of a common carrier by water to file tariffs pursuant to section 18(b) of the Act and this part must be carried out as follows: (1) when the carrier is not a party to an approved agreement by filing its own tariff or tariffs, and (2) when the carrier is a party to an approved agreement by participation in a single tariff filed by the conference; except as provided in § 536.12. No common carrier may be shown as a participant in a tariff filed by another carrier or conference where such participa-

tion has not been approved by the Commission pursuant to section 15 of the Act; filed with the Commission pursuant to Part 524 of this chapter; or filed with the Commission pursuant to § 536.15(d) of this part.

(k) When a carrier is admitted to membership in a conference, cancellation of the carrier's individual tariff (if any) in the trade served by the conference (see § 530.7 of this chapter), and revision of the participating carrier page of the conference (naming the newly admitted carrier) shall be published and filed with the Commission and may become effective upon the date of such filing. Provided that, if the carrier has an individual tariff in the trade served by the conference and cancellation of that tariff and revision of the participating carrier page of the conference tariff (naming the newly admitted carrier) would result in an increase in that carrier's rates, the carrier shall 30 days prior to being admitted as a new conference member publish notice of cancellation of its tariff effective 30 days from date of publication making reference to the conference tariff and where it may be examined, unless special permission to become effective on less than said 30 days has been granted by the Commission pursuant to § 536.8.

(l) Any tariff submitted for filing, which falls to conform with section 14b or 18(b) of the Act or with the provisions of this part, is subject to rejection by the Commission and, upon rejection will be void and its use unlawful. Rejection will be accomplished as set forth in § 536.6(d) (1).

(m) Copies of all tariffs, subsequent revisions and changes thereto on file with the Commission and in effect, shall be made available by carriers and conferences, to any person, and a reasonable charge may be made therefor.

(n) Any new or initial tariffs shall be published and filed with the Commission to become effective not earlier than 30 days after such publication and filed with the Commission, unless special permission to become effective on less than said 30 days has been granted by the Commission pursuant to § 536.8.

(o) Rules limited in application to tariffs containing rates and charges, rules and regulations for through intermodal transportation are set forth in § 536.15. The requirements of § 536.15 are additional requirements for use in such circumstances and not as a substitution for any other requirements of this part.

§ 536.3 Form and preparation of tariffs.

(a) All tariffs which are filed and kept open to public inspection shall be clear and legible and shall be plainly printed, mimeographed, multilithed, or prepared by other similar permanent process on durable paper of good quality.

(b) No alteration in writing or erasure shall be made in any tariff publication.

(c) Sufficient marginal space of not less than three-fourths of an inch shall be allowed at the left side of each tariff

page to permit insertion in tariff binders. In addition, a margin of not less than one-half of an inch shall be allowed at the bottom of each tariff page for insertion by the Commission of its receipt stamp.

(d) Tariffs shall be in looseleaf form and shall be on pages approximately 8½ by 11 inches. If other than a looseleaf tariff is to be filed, application for permission to make such filing shall be made to the Commission. If permission to file other than a looseleaf tariff is granted by the Commission, such permission will set forth the form and manner of filing the tariff and any amendments or supplements thereto.

(e) Tariff pages shall be printed on one side only, and each page after the title page shall be numbered in the upper right-hand corner. Each page must show the name of the carrier or conference for whose account the tariff is issued, the effective date, the page number, the FMC number of the tariff, etc., as prescribed in Exhibit No. 1.

(f) To the extent applicable, all tariffs filed pursuant to this part shall be arranged in the following order:

Title Page
Check Sheet
Table of Contents
Participating Carrier Page
Surcharge and/or Arbitrary/Differential/
Outport Differential (or other identifying
term) Section
Rules and Regulations Section
Index of Commodities and Classifications
Commodity Rate Section
Classification and Class Rate Section
Routing Section
Open Rate Section

§ 536.4 Contents of tariffs.

(a) The first page of every tariff shall be a title page and shall be printed on paper heavier than that used in the body of the tariff. The title page shall contain the following information:

(1) The name of the carrier, appropriately identified as a Non-Vessel Operating Common Carrier (NVOCC) or a Vessel Operating Common Carrier (VOCC) or the name of the conference. Tariffs filed pursuant to an agreement approved under section 15 of the Act shall be further identified with the agreement number.

(2) An FMC tariff number assigned by the carrier or conference. For example:

Smith Line Tariff FMC-1.

The first tariff filed by a carrier or conference pursuant to this or any prior regulation shall be assigned FMC-1. Each tariff thereafter issued by the carrier or conference pursuant to this or any prior regulation shall be assigned the next, consecutive, FMC number. Under the FMC tariff number shall be shown the FMC tariff number or numbers of any tariff or tariffs cancelled by the issuance of such tariff. For example:

Smith Line Tariff FMC-14 cancels Smith Line Tariff FMC-5 and Smith Line Tariff FMC-9.

or

Smith Line Tariff FMC-14 cancels Smith Line Tariff FMC-12.

(3) When an individual carrier, partnership or joint service operates under a trade name the individual name or names shall be shown as well as the trade name, or reference may be made to an internal tariff page where this information is shown.

(4) (i) A list of the ports covered by the tariff, or reference to an internal tariff page where such ports are listed. In lieu of such listing of ports, a statement of the range of ports served will be accepted, provided any exclusion of any port within the range and any restriction applying at any port within the range are specifically stated.

(ii) Whenever tariff application is shown by identification of a range of ports in lieu of listing of ports, such range of ports must be within a geographical area generally served by the carrier or carriers participating in the tariff.

(5) A statement showing type of service offered by the carrier(s), e.g. direct service, transshipment, etc. When transshipment service is indicated, reference shall be made to the page in the tariff describing such service. (See § 536.4(b)(1)(vii)).

(6) A statement showing the type of rates contained in the tariff. For example: Local, proportional, class, commodity, overland common point, joint, through, intermodal, etc. Where a carrier or conference tariff includes contract rates, as described in § 536.5(1), the title page shall state that such rates are included.

(7) A reference to other publications which in any manner govern the tariff, or reference may be made on the title page to an internal page identifying such governing publications, as prescribed in § 536.4(b)(8).

(8) The date on which the tariff will become effective. Every tariff in which any provision is to become effective upon a date different from the general effective date of such tariff shall so indicate in substantially the following form:

Effective: _____ (except as otherwise herein provided) or (except as provided in Item No. _____) or (except as provided on page _____).

(9) The name, title, and address of the person issuing the tariff, or if the carrier or conference has authorized an agent other than an official thereof to file a tariff with the Commission as authorized in § 536.12 the name, title and address of the agent making such filing.

(10) An expiration date, if the entire tariff publication is to expire on a specified date.

(11) The names of all participating carriers in the tariff, if more than one such carrier participates, or reference may be made to an internal page on which are listed the names of all participating carriers (see § 536.4(b)(2)).

(12) The subscription price of the tariff, or a statement that it will be furnished without charge, with reference to a rule in the tariff which clearly sets forth where it may be obtained and what is to be furnished the subscriber. If a

separate Bill of Lading and/or Rules and Regulations tariff is published such tariffs must be furnished to subscribers of rate tariffs which refer thereto without additional charge.

(b) All pages after the title page shall be numbered beginning with "Original Page 1", "Original Page 2", etc. Each page as thereafter revised shall be a consecutively numbered revision of the same page. For example:

The 7th page in a tariff as originally filed would be titled "Original Page 7." The first revision of this page 7 would be titled "First Revised Page 7", cancels original page 7. See § 536.6(b)(3).

The body of the tariff shall contain the following:

(1) A table of contents containing a full and complete statement of the exact locations where information in the tariff will be found. Such statement shall show all subjects in alphabetical order and shall show the page number and number of the item, rule or unit where such subject will be found.

(2) The full corporate name of each participating carrier, appropriately identified as a Non-Vessel Operating Common Carrier (NVOCC) or Vessel Operating Common Carrier (VOCC), with address of the principal office. Where a joint service participates, the agreement number shall also be shown.

(3) The trade name, if any, and the carrier or carriers, if not shown on the title page.

(4) A list of the ports or range of ports to and from which the tariff rates apply, if not shown on the title page, in conformity with § 536.4(a)(4).

(5) A statement indicating the extent of any limitation or restriction, if the application of any of the rates, charges, rules, or regulations stated in the tariff are restricted to any particular port, pier, etc., or otherwise limited.

(6) A single, complete index alphabetically arranged for commodities for which rates in the tariff are named, together with a reference to each item or page where a particular article is shown. If a rate-item embraces two (2) or more commodities, each commodity shall be shown in the index. Class rate tariffs and tariffs containing both class and commodity rates shall contain, in addition to item or page reference where applicable, the ratings of commodities to which class rates apply (see Exhibit No. 6). Such index may be omitted where rates on less than 100 commodities are included in the tariff. All articles generic to different species of the same commodity should be grouped together. For example:

Paper, building; paper, printing; paper, wrapping.

(7) A full explanation of any symbols, reference marks or abbreviations used in the tariff. If such explanation does not appear on the page where the reference marks or symbols are used, such page shall refer to the page in the tariff where the explanation is given. The symbols shown in § 536.6(b)(2) shall be used only for the purpose indicated therein.

(8) If governed in any manner by other publications, as may be permitted herein, a reference thereto substantially in the following form:

This tariff is governed, except as otherwise provided herein by Bill of Lading Tariff FMC No. (or by Rules Tariff No.), etc.

Where such reference is fully made on the title page, reference in the tariff elsewhere is unnecessary. Governing publications must be on file with the Federal Maritime Commission.

(9) All rates applicable to the transportation of the articles or classes of articles named in the tariff. Rates shall be set forth as required by § 536.5.

(10) Rules and regulations which in anywise affect the application of the tariff. Specific rules shall be published to govern each of the following subjects and shall be the rule numbers designated:

1. Scope. See § 536.4(b)(4).
2. Application of Rates. See § 536.4(b)(10)(i).
3. Rate Applicability Rule. See § 536.4(b)(10)(ii).
4. Heavy Lift.
5. Extra Length.
6. Minimum Bill of Lading Charge(s).
7. Payment of Freight Charges. See § 536.4(b)(10)(iv).
8. Specimen Bill of Lading. See § 536.4(b)(10)(iii).

Every tariff shall contain the following rules, when applicable:

- Freight Forwarder Compensation. See § 536.4(b)(10)(v).
- Application of Surcharge and/or Arbitraries/Differentials/Outport Differentials (or other identifying term). See § 536.4(b)(10)(vi).
- Minimum Quantity Rates. See § 536.4(b)(10)(viii).
- Ad Valorem Rates. See § 536.4(b)(10)(ix).
- Transshipment Service. See § 536.4(b)(10)(vii).
- Application of Contract Rate System. See § 536.4(b)(10)(xii).
- Open Rates. See § 536.4(b)(10)(xiii).
- Explosives or Other Dangerous Articles. See § 536.4(b)(10)(xi).
- Green Salted Hides. See § 536.4(b)(10)(x).
- Returned Cargo. See § 536.4(b)(10)(xvi).
- Shippers Requests and Complaints. See § 536.4(b)(10)(xiv).

Additional rules which affect the application of the tariff shall follow the rules specified above and shall be numbered consecutively.

(i) *Application of Rates.* Tariffs shall clearly state all of the services provided to the shipper and included in the transportation rates set forth therein.

(ii) *Rates Applicability Rule.* Every tariff shall contain a rule which sets forth in clear and definite terms the time at which a rate becomes applicable on any particular shipment.

(iii) *Bill of Lading.* The rule shall include specimens of any bill of lading, contract of affreightment or other document evidencing the transportation agreement, unless a separate bill of lading tariff is on file with the Commission as permitted in § 536.10(a). Such documents shall not contain provisions which are inconsistent with or which conflict with the rules and regulations published in the applicable tariffs.

(iv) *Payment of Freight Charges.* Every tariff shall set forth requirements for the payment of freight charges. Currency restrictions, if any, must be specified and the basis for determining the rates of currency exchange must be set forth. If credit is extended to shippers, the rule must include the credit terms available and the conditions upon which credit is extended. When credit applications or agreements are required, specimens of such applications or agreements shall be published as part of this rule.

(v) *Freight Forwarder Compensation.* Every tariff in the United States export trade shall contain a rule specifying the rate or rates of compensation to be paid to licensed ocean freight forwarders in accordance with § 510.24 of this chapter.

(vi) *Surcharges and/or Arbitraries.* Every tariff shall provide that whenever more than one surcharge and/or arbitrary, which are stated in percentages, are imposed upon the same shipment, the tariff rules shall clearly state how percentages shall be applied in computing the additional charges.

(vii) *Transshipment Service.* When transshipment services are offered under either nonexclusive transshipment agreements filed with the Commission in compliance with Part 524 of this chapter, or pursuant to agreements approved by the Commission under section 15 of the Act, the following information shall be shown in the tariff containing the applicable through rates: (a) The routings (origin, transshipment and destination ports), additional charges, if any (i.e. port arbitrary and/or additional transshipment charges), and the originating, delivering and/or intermediate participating carriers, and (b) a tariff provision reading substantially as follows:

The rules, regulations and rates apply to all transshipment arrangements between the participating carriers. Participating carriers have agreed to observe the rules, regulations, rates and routings established herein as evidenced by the agreement on file with the Commission.

The foregoing requirements shall be set forth in the tariff in a Routing Section substantially as shown in Exhibit No. 8.

(viii) *Minimum Quantity Rates.* Every tariff that names two or more rates, dependent upon different quantities of the same description shall contain the following rule:

When two or more freight rates are named for carriage of goods of the same description over the same route and under similar conditions and the application is dependent upon the quantity of the goods shipped, the total freight charges assessed against the shipment shall not exceed the total charges computed for a larger quantity. Provided, however that the rate noted alongside a qualification specifying a required minimum quantity, either weight or measurement per container or in containers will be applicable to the contents of the container(s) provided the minimum set forth is met or exceeded. At the shipper's option, a quantity less than the minimum level may be freighted at the lower rate provided the weight or measurement declared for rating purposes is increased to the minimum level.

(ix) *Ad Valorem Rates.* When an Ad Valorem rate is provided in a tariff, a rule shall be published to specify the exact method of computing the charge, i.e. shipper's declaration, invoice value, delivered value, etc., and the additional liability, if any, assumed by the carrier in consideration thereof.

(x) *Green Salted Hides.* In accordance with Part 534 of this chapter, every tariff that names rates on green salted hides shall contain a rule which requires that: (a) The shipping weight for purposes of assessing transportation charges shall be either a scale weight or a scale weight minus a deduction whose amount and method of computation are specified in said rule, and (b) the shippers furnish to the carrier a weighing certificate or dock receipt from an inland carrier for each shipment of green salted hides at or before the time the shipment is tendered to the ocean carrier.

The weighing certificate, if furnished, shall either be certified or attested by the signature of the shipper's supplier of the hides. For purchase lots which are split by the shipper after purchase into two or more shipments, a weighing certificate covering the entire purchase lot may be provided, and the shipping weight shall be determined from a computation of the average weight of the hides in said purchase lot.

(xi) *Explosives and Other Dangerous Articles.* Tariffs which contain rates for the transport of explosives, inflammables, corrosive material, or other dangerous articles, shall contain the rules and regulations of the carrier or conference governing the transportation of such articles, or shall bear reference to a separate publication which contains such rules and regulations.

(xii) *Application of Contract Rate System.* Where a carrier or conference uses a contract rate system the tariff shall fully and clearly explain the application of the contract rate system, and shall include a true copy of the approved contract.

(xiii) *Open Rates.* Where a conference opens rates as permitted in § 536.5 (n) and (o) the tariff shall fully and clearly explain the extent to which rates have been opened. Any restriction or limitation on the right of participating carriers to fix their own rates on open rate items, and the extent to which applicable rules and regulations of the conference tariff will continue to govern the rates filed by each individual line, shall be stated.

(xiv) *Shippers Requests and Complaints.* All conference tariffs shall contain a rule that sets forth full instructions as to where and by what method shippers may file their requests and complaints, together with a sample of the rate request form if one is used or, in lieu thereof, a statement as to what supporting information is considered necessary for processing the request or complaint through conference channels. All changes made in such instructions shall be published in said tariffs. (See § 527.6 of this chapter).

(xv) Where a rule affects only particular items or rates, such items or rates must specifically refer to such rule.

(xvi) *Reference to Other Rate Tariffs.* No rate tariff shall require reference to any other rate tariff for determination of any applicable rate; provided, however, that:

(a) Reference may be made to another tariff for terminal and accessorial charges, and

(b) Rules or regulations providing for return of refused, damaged or rejected shipments or exhibits at trade fairs, shows, or expositions, to port of origin and which provide for assessment of the freight rates (or a portion thereof) which were assessed on the original movement, when such rates are lower, may be published. Such rules or regulations, if published, shall provide that:

(1) The return of shipments be accomplished within a specified period, such period not to exceed one year;

(2) The original movement was made over the lines of the carrier performing the return carriage; except in the case of a conference tariff, the rules may provide either that the return be made over the lines of the originating carrier or that return will be made by any member line when the originating carrier is also a member of the conference;

(3) A copy of the bill of lading, attesting to the original movement and the rate assessed, be surrendered to the carrier making the return.

(c) Reference may be made to another tariff (not containing rates) for commodity lists or generic descriptions as provided in Part 536.5(f) and (g).

(d) Reference may be made to another tariff (not containing rates) covering (1) explosives, inflammable or corrosive materials or other dangerous articles; (2) bills of lading or contracts of affreightment; (3) classifications; and (4) routing guides or other similar tariffs as provided in § 536.10(a) and (b).

§ 536.5 Statement of rates.

(a) The application of all rates shall be clear and definite and explicitly stated per 100 pounds, per cubic foot, per ton of 2,000 pounds, per ton of 2,240 pounds, or some clearly defined unit.

(b) Commodities and generic commodity groupings on which rates are stated shall be listed in alphabetical order and item numbers shown if published in the index. All rates shall be stated in a simple and systematic manner.

(c) Where rates are stated in amounts per package, the method of packing and specifications showing size, measurement or weight of the packages on which such rates apply shall be shown.

(d) Where rates vary depending upon whether cargo is packed, crated, palletized, bundled, strapped, loose, or otherwise prepared or delivered for shipment, there shall be a statement clearly and specifically governing the application of such rates. (See Exhibit No. 2).

(e) Where rates from or to designated ports are determined by the addition or deduction of arbitraries or differentials

to or from rates applicable at other ports, such application shall be clearly shown.

(f) A commodity item may, by use of a generic term, provide rates on a number of articles without naming such articles, provided such term contains reference to an item in the tariff which clearly defines the type of commodities contained in such generic term or which contains a complete list of such articles, or contains reference to the FMC number of a separate tariff of the same carrier or conference containing such definition or list of such articles.

Example: Packinghouse products, as described in Item ---- or packinghouse products as described under heading "Packinghouse products" in FMC No. ----, or successive issues thereof.

(g) A separate tariff, not containing rates, may be filed by a carrier or conference showing a list of the commodities on which rates published by reference to generic terms will apply, and rate tariffs shall be made subject thereto as provided in paragraph (f) of this section.

(h) When commodity rates are established, the description of the commodity must be specific. Rates may not be applied to analogous articles.

(i) The rate section of a tariff may include a rate applicable to all commodities, or all commodities of a class, on which specific commodity rates are not stated in the tariff, to be called cargo, n.o.s. (not otherwise specified), general cargo, or other identifying name, or by broad generic heading such as chemicals, n.o.s.

(j) A separate tariff naming rates on a group of related commodities may be published, provided however, that such tariff shall contain all of the rates applicable to such commodities, which are published by the same carrier or conference, to or from the same ports or points. When such tariffs are published, reference shall be made thereto in the tariff of general application for the same carrier or conference, to or from the same ports or points.

(k) Publication of rates which duplicate or conflict with the rates published in the same or any other tariff is not permissible, and, except as otherwise authorized in this part, the publication of a statement in a tariff to the effect that the rates published therein take precedence over the rates published in some other tariff, or that the rates published in some other tariff take precedence over or alternate with rates published therein, is prohibited; provided however, that where a carrier or conference publishes both commodity and class rates a statement shall be published in the tariff clearly indicating which of the two rates shall apply on the commodity or commodities on which both class rates and commodity rates are published; or where alternate rates or charges are permitted pursuant to § 536.4(b) (10) (xvi).

(l) Where a conference or carrier uses a dual rate system approved by the Commission and states in its tariff two rates pursuant to such system, each commodity item in the tariff subject to dual rates

shall indicate such "Contract Rates" and "Noncontract Rates" as prescribed in Exhibit Nos. 3 through 7.

(m) Where a conference opens any or all rates, each tariff item so opened shall be amended to indicate the word "open" in place of the previously stated rates, and shall indicate a reference to a published rule in the tariff clearly defining the word "open" as used in each tariff and indicates where the rates of the individual members on such items will be found.

(n) Where a conference opens rates pursuant to paragraph (m) in this section, for an individual conference member to then charge rates on such an item, there must be on file with the Commission the individual member's proper tariff rate covering such item as required by these rules. This may be accomplished by each individual carrier filing a complete tariff pursuant to this part, or by the official or tariff agent of the conference, or the carrier, filing as a separate supplement at the end of the conference tariff a page or pages indicating the rates which will be charged by each individual carrier, and the governing rules and provisions of the conference tariff which will apply to each carrier. Separate open rate tariffs may be published by an official or tariff agent or a conference.

When the rates to be charged by the individual conference members are published in a separate tariff, such tariffs must refer, on the title page, to the conference tariff in which the open rate condition is reflected.

(o) Temporary or special or emergency rates or rates conditioned upon an expiration date or other factor shall be shown under the same commodity or generic heading or class in the same place in the tariff as the ordinarily applicable rates. See Exhibit No. 5. If only a portion of particular rates or other provisions will expire with a specified date, a notation to that effect shall clearly be shown in connection with such item, as indicated in Exhibit No. 2.

(p) All rate pages shall be filed in the form and manner as prescribed in Exhibit Nos. 1 through 7. Where space permits, contract and noncontract rates, properly identified, may be shown in column form (side-by-side) rather than the manner shown in Exhibit No. 3.

(q) The number of rate columns may be varied as required to state rates to one or more ports, groupings or ranges of ports. The width of all columns in the rate block section of tariff rate pages may be varied as required.

§ 536.6 Amendments to tariffs.

(a) General tariff amendments. (1) All changes in, additions to, or deletions from a tariff shall be known as amendments. All amendments to tariffs shall be in permanent form as set forth hereafter.

(2) Amendments which provide for new or initial rates, or amendments which provide for changes in rates, charges, rules, or other provisions resulting in an increase in cost to the shipper

shall be published and filed with the Commission to become effective not earlier than 30 days after the date of publication and filing with the Commission unless special permission to become effective on less than said 30 days' notice has been granted by the Commission pursuant to section 536.8. Amendments to tariffs containing contract rates which result in an increase in cost to the shipper shall be published and filed with the Commission to become effective not earlier than 90 days after the lower rate has been in effect and not earlier than 90 days after giving notice to contract shippers by filing the amendment with the Commission, except as otherwise provided in the approved merchant's contract.

(3) Amendments which provide for changes in rates, charges, rules, regulations, or other provisions resulting in a decrease in cost to the shipper, or amendments which result in no change in cost to the shipper may become effective upon the publication and filing with the Commission.

(4) An amendment containing a rate on a specific commodity not previously named in a tariff which is a reduction or no change in cost to the shipper may become effective upon publication and filing with the Commission, provided that the tariff contains a cargo, n.o.s. rate or similar general cargo rates, which rate would otherwise be applicable to the specific commodity, and further provided that the specific commodity rate is equal to or lower than the previously applicable cargo, n.o.s. rate or general cargo rate.

(5) An amendment which provides for the elimination of a specific commodity and rate applicable thereto from a tariff, thereby resulting in the application of a higher cargo, n.o.s. rate, or general cargo rate, is a rate increase and shall be published and filed with the Commission to become effective not earlier than 30 days after the date of publication and filing with the Commission in the absence of special permission for an earlier effective date pursuant to § 536.8.

(b) Permanent tariff amendments. (1) Amendments to looseleaf tariffs shall be made by reprinting the page upon which such amendments are made. Such page shall be designated in the upper right-hand corner as a revised page. For example:

First revised page 1

or

Fifth revised page 21

See Exhibits Nos. 1 through 7.

(2) The revised page filed to accomplish a tariff amendment shall reprint the page to be replaced in its entirety, changing only the matter on the page which is modified. Changes made in existing rates, charges, classifications, rules, or other provisions shall be indicated by the following uniform symbols:

(R) To denote reduction.

(A) To denote increase.

(C) To denote changes in wording which result in neither increase nor reduction in charges.

(D) To denote deletion.

(E) To denote an exception to a general change.

(N) To denote reissued matter.

(I) New or initial matter.

An explanation of such symbols shall be set forth in the tariff as required by § 536.4(b) (7).

(3) Each revised page filed to accomplish a tariff amendment shall cancel the previously issued page of that number upon which the change is made. Immediately under the designation of the new revised page number shall be indicated the previous page which is being canceled. For example:

First revised page 1 cancels original page 1
or

Fifth revised page 21 cancels fourth revised page 21

All matter on the page to be canceled which is not being changed shall be reissued on the revised page as it was in the page being canceled. See Exhibits Nos. 1 through 7.

(4) Each revised page to accomplish a tariff modification shall, in the upper right-hand corner of the page, state the effective date of the changes made on that page. Such effective date shall be subject to the requirements of section 18(b) of the Act and of this section. Revised pages may, if desired, also show an issue date.

(5) When a revised page canceling a previous page deletes any matter contained in the previous page, the deletion shall be indicated by the symbol (D) and the appropriate symbol in paragraph (b) (2) of this section further indicating the effect of the deletion on rates or charges.

(6) Every tariff amendment which accomplishes a change in the tariff upon less than statutory notice pursuant to special permission granted by the Commission, shall show in connection with such change a notation as provided for in § 536.8.

(7) Increased rates brought forward without change, prior to becoming effective, from a tariff page which has not been in effect 30 days shall be designated "reissued", and shall show the original effective date.

(8) If, on account of expansion of matter on any page, it becomes necessary to add an additional page in order to take care of the additional matter, such additional page (except when it follows the final page) shall be given the same number as the previous page with a letter suffix unless all subsequent pages are reissued and renumbered. For example:

Original Page 4-A, Original Page 4-B, etc.

If it is necessary to change matter on Original Page 4-A, it may be done by issuing First Revised Page 4-A, which shall indicate the cancellation of Original Page 4-A.

(9) When a revised page is issued which deletes rates, rules, or other provisions previously published on the page which it cancels, and such rates, rules, or provisions are published on a different page, the revised page shall make

specific reference to the page on which the rates, rules or provisions will be found, and the page to which reference is made shall contain the following notation in connection with such rates, rules or other provisions, etc.

For (here insert rates, rules, other provisions, etc., as case may be) in effect prior to the effective date hereof see page -----

Subsequently revised pages of the same number shall omit this notation insofar as this particular matter is concerned.

(10) The following method shall be used in identifying and checking revised pages filed for the purpose of amending tariffs:

(i) When the original tariff is filed, the page following the title page shall be designated a "check sheet".

(ii) The check sheet shall contain correction numbers which shall be in consecutive numerical order beginning with the number one (1), with a blank space provided with each correction number. A correction number shall be placed in the upper right-hand corner of each revised page. This procedure will provide a cross reference and a permanent record of all corrections made to the tariff.

(c) *Temporary tariff amendments.* In order to facilitate the filing of rate changes as quickly as possible, without the delay necessitated by preparation and filing of permanent revised pages as required above, temporary filings will be permitted subject to the following conditions:

(1) Temporary filings may be made by telegram or cable, or by mailing to the Commission letters, rate advices, rate circulars, rate advances, etc. Such temporary filings shall be clear and legible and must contain the following information:

(i) The identification of the carrier or conference.

(ii) Identification of the tariff being amended.

(iii) An exact description of the commodity on which a rate is being changed.

(iv) The previously issued page upon which the item being changed is contained.

(v) The new rate to be filed.

(vi) The effective date of the rate change.

(vii) A statement that this is a rate increase, decrease, or a new or initial filing.

(2) If the temporary filing is pursuant to special permission authority which has been granted, reference must be made to the special permission number.

(3) Temporary amendments received by the Commission for filing cannot be withdrawn or rescinded in any manner.

(4) Any carrier or conference making a temporary filing shall at the same time furnish all subscribers to the tariff all the information furnished to the Commission as required in subparagraph (1) of this paragraph.

(5) All temporary filings permitted by this section must be followed by the permanent filing of a revised page to accom-

plish tariff changes as required by this section and such permanent filing shall contain a statement to the effect that the filing was submitted by (here insert type of temporary filing such as, letter, telegram, rate advice, etc. and date submitted for filing). Such permanent modifications to take the place of the temporary filing must be received by the Commission within 20 days after receipt of the temporary filing for carriers or conferences making such filing from within the continental United States, and within 30 days after receipt of such temporary filing when the carrier or conference is located outside the continental United States.

(6) A permanent filing need not be made where a temporary filing is rejected by the Commission. However, all tariff subscribers must be notified that the temporary filing has been rejected.

(7) In the event a carrier or conference which has filed a rate change by temporary filing as permitted by this section should fail to properly file the permanent tariff modification to take the place of such temporary filing in the form and within the time limit above provided, a warning letter or collect telegram shall be sent by the Commission to such carrier or conference. Immediate steps shall be taken by the carrier or conference to properly file the followup permanent filing. If a carrier or conference fails to correct such delinquent permanent filing after one warning, or if a carrier or conference after correction of one such delinquent filing, should fail a second time to file a permanent tariff modification to take the place of a temporary filing within the time limits provided, the Commission shall notify such carrier or conference that it no longer has the privilege of making rate changes by temporary filing as permitted in this section and thereafter, until further notice from the Commission, such carrier or conference may make tariff amendments only by filing of permanent tariff modifications as set forth in this section.

(d) *Rejection of tariff amendments or other tariff publications.* (1) Any amendment or other tariff publication submitted for filing which fails in any respect to conform with sections 18(b) and 14b when applicable, of the Act or with the provisions of this part, is subject to rejection. When an amendment or other tariff publication is rejected, the Commission, acting through a designated administrative officer, will inform the carrier, conferences, or agent tendering such amendment or other tariff publication for filing, by telegram, cablegram, or letter, of such rejection.

(i) Upon receipt of notice of a rejection, the carrier, conference, or agent shall immediately remove such rejected tariff amendment or other publication from the effective tariff, and shall immediately notify all subscribers to such tariff that the rejected amendment or other tariff publication is void.

(ii) The number assigned to an amendment or other tariff publication which has been rejected may not again be used.

The rejected amendment or other tariff publication may not be referred to in any subsequent amendment or other tariff publication in any manner whatsoever, except that a notation shall appear on the new amendment or other tariff publication issued to replace that which has been rejected, reading substantially in accordance with the following example:

Issued in lieu of 5th Revised Page No. 8 (Correction No. 50) rejected by the Federal Maritime Commission.

Such notation shall be shown at the bottom of the new amendment.

(2) Any amendment or other tariff publication submitted for filing containing more than one change, one or more but not all of which fails to conform with sections 18(b) or 14b when applicable, of the Act or with the provisions of this part is subject to partial rejection. When an amendment or other tariff publication is partially rejected, the Commission, acting through a designated administrative officer, will inform the carrier, conference, or agent tendering such amendment or other tariff publication for filing, by telegram, cablegram, or letter, of such partial rejection.

(i) Upon receipt of notice of a partial rejection, the carrier, conference, or agent shall immediately notify all subscribers to the tariff of the partial rejection. The carrier, conference or agent shall then resubmit a revised amendment or other tariff publication to the Commission deleting the partially rejected matter or otherwise conforming such matter to sections 18(b) and 14b of the Act or with the provisions of this part.

(ii) The number assigned to an amendment or other tariff publication which has been rejected in part may not be used again. Resubmission of the revised amendment or other tariff publication shall be accomplished as prescribed in paragraph (d)(1) of this section.

§ 536.7 Supplements.

(a) Supplements to tariffs may be filed to accomplish the following:

- (1) To cancel a tariff in whole or in part.
- (2) To provide for a general rate decrease applicable to all, or substantially all, of the commodities listed in a tariff.
- (3) To provide for a general rate increase applicable to all, or substantially all, of the commodities listed in a tariff.
- (4) To indicate seasonable discontinuance or temporary suspension or reinstatement of service covered by a tariff.
- (5) To provide for change in name of carrier or agent.

When supplements are filed as provided for in paragraphs (a) (2) and (3) of this section and the rate increase or decrease is not applicable to all commodities, a notation shall appear on the supplement in one of the following forms:

The general rate increase (decrease) provided for on this page applies to all commodities stated herein except the following:

(Here list the excepted commodities or commodity item numbers) or the general rate increase (decrease) provided for on this page applies to all commodities stated herein except those noted on page ----

Such general rate decrease or increase supplements shall bear an expiration date that coincides with the date the changes will be reflected in the rates and charges in the tariff. Such date shall not be more than 90 days after the date of receipt of the supplements by the Commission. No more than one such supplement may be in effect at any time.

(b) Additional supplements to other than looseleaf tariffs shall be filed as set forth in any special permission granted by the Commission pursuant to sections 536.3(d) and 536.8.

(c) Supplements shall be numbered consecutively on the upper right-hand corner of each as follows:

Supplement No. 1 to FMC Tariff No. ----

§ 536.8 Application for special permission.

(a) Section 18(b) of the Act authorizes the Commission, in its discretion and for good cause shown, to permit increases in rates or issuance of new or initial rates on less than statutory notice. The Commission may also in its discretion and for good cause shown, permit departure from the regulations in this part. The Commission will grant such permissions only in cases where real merit is demonstrated. Where correction of typographical or clerical errors results in a rate increase, section 18(b) of the Act requires such correction to become effective not earlier than 30 days after filing with the Commission. Typographical and/or clerical errors will be considered to constitute good cause for the exercise of this authority, but every application based thereon must mainly specify the error with evidence thereof, together with a full statement of the attending circumstances and must be presented with reasonable promptness after issuance of the defective tariff publication. Section 14b of the Act does not permit the Commission to allow relief from the requirements of that section and applications for such permission will not be entertained.

(b) Application for special permission to establish increases in rates on less than statutory notice, or for waiver of the provisions of this tariff circular must be made by the carrier, conference, or agent that holds authorization to file the tariff publication.

(c) Application for special permission shall be made by cable, telegram or letter. In an emergency situation, special permission applications may be made by telephone provided that such application is promptly followed by cable, telegram or letter.

(d) If the authority granted by special permission is used, it must be used in its entirety and in the manner set forth in such special permission. If it is not desired to use all of the authority granted and less or more extensive or different authority is desired, a new application complying with the requirements of this part in all respects and referring to the previous permission must be filed.

(e) Application for special permission shall contain the following information:

(1) The name of the conference or carrier in whose name the special permission is requested.

(2) Identification of the specific tariff involved.

(3) The rate, commodity, rules, etc. (related to the application), and the special circumstances which the applicant believes to constitute good cause to make a tariff change on less than the statutory period required in section 18(b) of the Act.

(f) Every tariff filed pursuant to a special permission granted by the Commission shall contain a notation to such effect in the following form:

Issued under authority of the Federal Maritime Commission Special Permission No. F (here fill in assigned number).

§ 536.9 Statement of terminal and other charges; and free time allowed at New York.

(a) Every tariff filed pursuant to this part shall state separately any terminal or other charges, privileges, or facilities under the control of the carrier or conference which is granted or allowed.

(b) Wherever a tariff includes charges for terminal services, canal tolls or additional charges not under the control of the carrier or conference, which merely acts as a collection agent for the charges, and the agency making such charges to the carrier increases the charges without notice to the carrier or conference, such charges may be increased in the carrier or conference tariff without being subject to the 30-day advanced filing requirement of this part whether included in the through rate or separately stated on the bill of lading.

(c) Every tariff naming rates on import traffic to the port of New York, or to a range of ports which includes New York, shall contain a rule in compliance with the Commission's General Order 8 (Part 526 of this chapter).

(d) Every tariff naming rates on export traffic through the port of New York or the port of Philadelphia, or through a range of ports which includes either of those ports, shall contain a rule in compliance with the Commission's General Order 26 (Part 541 of this chapter).

§ 536.10 Other governing tariffs.

(a) If it is not desirable or practical to include governing rules of a tariff as required by § 536.4(b)(10), or bills of lading or contracts of affreightment as required by § 536.4(b)(10)(iii) in the rate tariff, these may be separately filed and published in a rules tariff and/or bills of lading tariff. Similarly, classifications of freight, routing guides and other similar tariffs may be separately published and filed. The rate tariffs which are to be governed by such publications shall be made subject thereto by specific reference substantially as follows:

This tariff is governed, except as otherwise provided by, (type of tariff), FMC No. ----. Provided however, That no rate tariff shall refer to or be governed by another rate tariff.

(b) Tariffs naming rates for the transportation of explosives, inflammables, or corrosive material, or other dangerous articles, shall contain as required by § 536.4(b) (10) (xi), the rules and regulations issued by the carrier or conference governing the transportation of such articles, or shall bear reference to a separate publication where such regulations are available to the general public.

§ 536.11 Transfer of operations; changes in name and control; changes in conference membership.

(a) Whenever the name of a common carrier having an individual tariff on file with the Federal Maritime Commission is changed, or its operating control is transferred to another common carrier, the conference which will thereafter operate the service shall make appropriate tariff filings to indicate the change in name. Subsequent filings to such tariffs shall indicate the new name of the carrier involved.

(b) Whenever the name of a carrier which participates in a conference is changed, the conference shall file an appropriate amendment to the tariff to indicate the change in name to the new carrier.

§ 536.12 Delegation of authority to file tariffs.

(a) A carrier or conference may grant authority to a person, not an official or employee of such carrier or conference, as agent to act for such carrier or conference in the issuance of all its tariffs, or any particular tariff.

(b) Whenever there is such delegation of authority by a carrier or conference, there shall be filed with the Commission a statement indicating the appointment of such agent and setting forth the exact limits of the authority of such appointed agent.

§ 536.13 Transportation of U.S. Department of Defense cargo under competitive rates approved by Military Sealift Command (MSC).

(a) All American-flag carriers operating in the foreign commerce of the United States, are hereby granted continuing special permission to file on one day's notice in the form and manner indicated in paragraph (c) of this section, all rates or charges for the transportation of U.S. Department of Defense cargo transported under rates, terms and conditions negotiated and approved by the MSC.

(b) The provisions of this special permission shall apply to copies of quotations or tenders made by American-flag common carriers by water in the foreign commerce of the United States to the MSC.

(c) Copies of all quotations or tenders by common carriers to which this special permission applies shall be submitted to this Commission on or after the effective date of this special permission and shall comply with paragraphs (c) (1) through (6), inclusive, of this section.

(1) Copies to be submitted to the Federal Maritime Commission after approval by MSC. Exact copies of the quotation or

tender shall be filed with this Commission as soon as possible after the quotation or tender is approved by MSC on not less than one day's filing notice prior to the effective date thereof.

(2) Filing in triplicate required. All quotations or tenders shall be filed in triplicate, one copy of which shall be signed and maintained at the Washington office of this Commission for public inspection. The tender shall represent only rates and conditions which have been accepted by the MSC.

(3) Filing procedure. Three copies of the quotations or tenders shall be filed together with a letter of transmittal which clearly indicates that they are being filed in accordance with the requirements of section 18(b), Shipping Act, 1916, and this section.

(4) Numbering. The copies of quotations or tenders which are filed with the Commission by each carrier or agent shall be numbered consecutively in a series maintained by such carrier or agent beginning with the number "1".

(5) Quotation or tender superseding prior one. A quotation or tender which supersedes a prior quotation or tender shall cancel the prior document by number.

(6) Amendments or supplements to quotations or tenders. When amendments or supplements are filed to quotations or tenders, they shall have been first approved by MSC and shall contain appropriate reference to the original tender which is being supplemented.

§ 536.14 Exemptions.

(a) Carriage by vessels operated by the State of Alaska between Prince Rupert, Canada, and ports in southeastern Alaska is exempt from the provisions of section 18(b), Shipping Act, 1916, to the extent that it meets all the following conditions: (1) The carriage of property is limited to vehicles; (2) the tolls for the vehicles so transported are levied solely on the basis of space utilized rather than weight or contents of the vehicle, and such tolls are the same regardless of whether the vehicle is loaded or empty; (3) the operator of the vessel does not move the vehicles on or off the ship; and (4) the carrier does not participate in any joint rates establishing through routes or in any other type of agreements with any other carrier.

(b) Carriage by vessels operated by the State of Alaska between Seattle, Washington, and Prince Rupert, Canada, is exempt from the provisions of section 18(b), Shipping Act, 1916, with respect to the transportation of passengers, commercial buses carrying passengers, personal vehicles and personal effects; provided that such vehicles and personal effects are the accompanying personal property of the passengers, and are not being transported for the purpose of sale.

§ 536.15 Special Rules governing the filing of tariffs containing rates and charges and/or rules and regulations for through intermodal transportation.

(a) Tariffs filed pursuant to the requirements of section 18(b) of the Act

and this part which publish rates or charges or rules or regulations for the intermodal through transportation of cargo are subject to these special rules and, in addition, to those other rules in this part which govern tariff filing generally.

(b) The Title Page of such tariffs shall contain:

(1) A list of the places from and to which the rates apply or reference to an interior page where such list may be found. The places shall be described by the names of cities, states, countries or political subdivisions thereof, or other definite geographical designations.

(2) A statement indicating that the tariff contains rates or provisions for through intermodal services.

(c) The body of the tariff shall include the following:

(1) The identity of each carrier joining in an arrangement for through transportation when such transportation results in a joint service; together with a designation of the mode of transport furnished by each carrier.

(2) A list of the places from and to which the rates apply, if not shown on the title page, together with the ports through which the cargo can move.

(3) A rule setting forth the liability and responsibility of each carrier participating in the offering of through intermodal services together with a specimen of the bill of lading or other contract of affreightment covering the through movement.

(d) Statement of rates. (1) Except as otherwise provided in this part, tariffs naming single factor through intermodal rates shall show the through rate together with the division, rate or charge that is to be collected by water carrier subject to the Shipping Act, 1916, for its port-to-port portion of the through service, which division, rate or charge shall be treated as a proportional rate subject to the provisions of the Shipping Act, 1916. The port-to-port portion may be shown in (i) a column adjacent to a column containing the through rate or (ii) directly under the commodity description or (iii) directly under the through rate; provided however, that if by an arrangement for through transportation, the through rate is apportioned among the participating carriers by a constant percentage, the percentage division may be published in the form of a rule.

(2) When the through rate is to be constructed by combining the ocean rates with inland rates published in tariffs filed with the Interstate Commerce Commission or with the Civil Aeronautics Board, the ICC tariff or the CAB tariff must be incorporated into the through intermodal rate tariff and filed with the Federal Maritime Commission. The tariff format requirements are hereby waived as to

that portion of the through intermodal tariff which is also an ICC or CAB tariff, only.

(e) Filing of arrangements for through intermodal transportation. A memorandum of every arrangement to which a carrier or conference of carriers subject to the jurisdiction of the Shipping Act, 1916, is or becomes a party, with carriers and persons not subject to that Act, for transportation between a port or point in the United States and a point or port in a foreign country, establishing any joint rate or through route which is offered in connection with any other carrier, shall be filed with the Commission concurrently with the filing of the through intermodal rate tariffs.¹

¹ Arrangements subject to section 15 of the Act must also be filed and approved in accordance with the requirements of General Order 24 (Part 522 of this chapter).

§ 536.16 Effective date of this part and time limit within which tariffs must comply therewith.

This part shall become effective on December 1, 1975. Any completely new tariff or completely reissued tariff made on or after said date must comply in all respects with this part. Any tariff amendment made on and after effective date of this part, to a tariff lawfully on file with the Commission prior to that date may be filed in the same format as used in such lawfully filed tariff; provided however, that such tariffs and amendments thereto must on and after effective date of this part include required matter otherwise prescribed in this part. Within 12 months from said effective date, all tariffs and amendments thereto must be made to conform in all respects with this part.

By the Commission.

[SEAL]

FRANCIS C. HURNEY,
Secretary.

EXHIBIT No. 1

Name of carrier or conference and tariff number.		Orig./Rev.		Page	
		Cancels		Page	
From: (Range or ports)		To: (Range or ports)		Effective date	
				Correction	
Except as otherwise provided herein, rates apply per ton of or cubic feet, whichever produces the greater revenue.					
Commodity code	Commodity description and packaging	Type ¹	Rate basis	1	2
Explanation for use of this exhibit: All tariff pages, except the title page, shall be filed in the form and manner as prescribed above the rate block on this page.					Item ¹

¹ As applicable.

RULES AND REGULATIONS

EXHIBIT No. 2

Name of carrier or conference and tariff number		Orig./Rev.		Page	
		Cancels		Page	
From: (Range or ports)		To: (Range or ports)		Effective date	
				Correction	
Commodity Code		Rate basis	1	2	Item ¹
Except as otherwise provided herein, rates apply per ton of (2,000 lb) or (40 ft ³) whichever produces the greater revenue.					
Fans, electric.....		W/M.....	78.00		
Glasses, sun.....		M.....	63.75		
Lime, hydrated, packed.....		W.....	29.25		
Tractors:					
Unpacked.....		W/M.....	45.00		
Packed.....		W/M.....	40.00		
Zinc, viz:					
Bars, circles, ingots, pigs, plates, sheets, shot, slabs.....		2240 or 40 CF..	29.00		
Ingots:					
Special rate effective May 1, 197... expiring June 1, 197....		2240.....	27.00		
Ingots:					
Special rate effective June 1, 197... expiring Sept. 1, 197....		2240.....	28.00		

¹ Optional column.

Explanation of use of this exhibit: Conference or Carrier: Single level of rates; one port or the same rate to several ports or range of ports; with temporary rates.

EXHIBIT No. 3

Name of carrier or conference and tariff number				Orig./Rev.	Page			
				Cancels	Page			
From: (Range or ports)				Effective date				
				Correction				
To: (Range or ports)								
Except as otherwise provided herein, rates apply per ton of (2,240 lb.) or (40) ft ³ whichever produces the greater revenue.				Type ¹	Rate basis	(Ports or range)	(Ports or range)	Item ¹
Commodity Code	Commodity description and packaging							
	Alcohols (effective May 10, 197...) ² (I) ³			C.....	100#.....	3.30	3.55	
				NC.....		3.88	4.17	
	Canned Goods:							
	Fish..... (A) ³			C.....	100#.....	2.15	2.15	
				NC.....		2.65	2.65	
	Vegetables:							
	48/9 oz. tins..... (A) ³			C.....	Case.....	.98	.98	
				NC.....		1.01	1.08	
	48/7 oz. tins..... (A) ³			C.....	Case.....	.79	.75	
				NC.....		.85	.90	

¹ As applicable.² Issued under earlier effective date than other changes on page.³ Change symbols must be shown in the commodity description column either to the left or right of the commodity.

Explanation of the use of this exhibit: Conference or Carrier: Dual rate system; two ranges of destination ports; rates per case or per 100 lb.

RULES AND REGULATIONS

47787

EXHIBIT No. 4

Name of carrier or conference and tariff number		Orig./Rev.	Page		
		Cancels	Page		
From: (Range or ports)		Effective date			
		Correction			
Except as otherwise provided herein, rates apply per ton of (2,240 lb) or (40 ft ³) whichever produces the greater revenue.		Type ¹	Rate basis	Rate	Item ²
Commodity code	Commodity description and packaging				
	Fans, electric.....	C.....	W/M.....	63.75	
	Glasses, sun; (I) ¹	NC.....	M.....	70.75	
	Lime, hydrated, packs.....	C.....	W.....	63.75	
	Liquors.....	NC.....	M.....	70.75	
	Liquors, medicinal; Transferred to Medicines, patent preparations; (D) (R) ¹	C.....	W.....	23.75	
	Scotch, in barrels; Transferred to Liquors; (D) (A) ¹	NC.....	M.....	26.50	
				Open	

¹ Change symbols must be shown in the commodity description column either to the left or right of the commodity.
² As applicable.

Explanation of this Exhibit: Conference or Carrier: Dual-rate system; One range or ports; deletion of rates showing reduction and increase due to deletion.

EXHIBIT No. 5

Name of carrier or conference and tariff number		Orig./Rev.	Page			
		Cancels	Page			
From: (Range or ports)		Effective date				
		Correction				
To: (Range or ports)						
Except as otherwise provided herein, rates apply per ton of (2,240 lb.) or (40 ft ³) whichever produces the greater revenue.		Type ¹	Rate basis	(Ports or range)	(Ports or range)	Item ²
Commodity Code	Commodity description and packaging					
	Iron and steel:					
	Turnbuckles.....		W.....	29.50	32.50	
	Emergency rate effective temporary 6-1-7... to special 9-1-7... (R). ²		W.....	26.00	28.50	
	Medicines, patent preparations:					
	Value up to \$200 per 40 ft ³	(C).....	M.....	34.00	37.50	
	Value exceeding \$200 but not exceeding \$500 per 40 ft ³	(NC).....	M.....	37.25	41.00	
	Value exceeding \$500 per 40 ft ³	(C).....	M.....	52.75	58.00	
		(NC).....	M.....	57.75	63.50	
		(C).....	M.....	67.75	74.00	
		(NC).....	M.....	74.25	81.50	

¹ As applicable.
² Change symbols must be shown in the commodity description column either to the left or right of the commodity.

Explanation of the use of this exhibit: Conference or Carrier: Dual-rate system; Valuation rates and emergency, temporary or special rates.

RULES AND REGULATIONS

EXHIBIT No. 6

Name of carrier or conference and tariff number			Orig./Rev.	Page	
			Cancels	Page	
From: (Range or ports) To: (Range or ports)			Effective date		
			Correction		
Commodity Index					
Commodity Code	Commodity	Class or Item No. ¹	Commodity Code	Commodity	Class or Item No. ¹
	Abrasive.....	2		Iron or steel articles viz:	
	Absorbent cotton.....	100		Balls, grinding.....	9
	Ale, ginger.....	3 M		Forgings.....	240
	Cotton, absorbent.....	100			

¹ Where tariff publishes both class and commodity rates, as above, the commodity item numbers should begin with the next counting unit; example—If class rates are in twelve classes then the commodity rates should not be numbered lower than 100.

Explanation of the use of this exhibit: Conference or Carrier; single level or dual-rate system; class or class and commodity tariff.

EXHIBIT No. 7

Name of carrier or conference and tariff number			Orig./Rev.	Page			
			Cancels	Page			
From: (Range or ports) To: (Range or ports)			Effective date				
			Correction				
Class rates							
Except as otherwise provided, rates apply per ton of (2,240 lb) or (40 ft ³) whichever produces the greater revenue.		Class					
Ports to which rates apply		1	2	3	4	5	6
Ports A, B, C ¹ :							
Contract.....		90.00	85.00	70.00	62.50	50.00	37.50
Noncontract.....		103.50	97.75	80.50	72.00	57.50	43.25
Ports D, E, F ¹ :		45.00	42.50	35.00	31.25	25.00	18.75

¹ As applicable to dual-rate or single level rate systems.

Explanation of the use of this exhibit: Conference or carrier; single level or dual-rate system; class rate tariff or class rate section of class and commodity tariff.

EXHIBIT No. 8

Name of carrier or conference and tariff number	Orig./Rev.	Page
	Cancels	Page
From: (Range or ports)	To: (Range or ports)	Effective date
		Correction

ROUTING SECTION

The rules, regulations and rates apply to all transshipment arrangements between the participating carriers. Participating carriers have agreed to observe the rules, regulations, rates and routings established herein as evidenced by the agreement on file with the Commission.

Agreement No.		
Carriers:	From:	To:
Originating: ABC S.S. Co.	Japanese Ports	Manila
Delivering: XYZ Line, Inc.	Manila	U.S. Pacific Coast Ports
	Additional Charges: None	
Agreement No.		
Carriers:	From:	To:
Originating: ABC S.S. Co.	Naha, Okinawa	Kobe/Yokohama
Intermediate: XYZ Line, Inc.	Kobe/Yokohama	U.S. Pacific Coast Ports
Delivering: DEF Maritime Co.	U.S. Pacific Coast Ports	U.S. North Atlantic Ports
	Additional Charges: \$4.50 W/M	
Agreement No.		
Carriers:	Transshipment service restricted to shipments of frozen fish.	
Originating: XYZ Line, Inc.	From:	To:
Intermediate: PQR Line, Inc.	Anchorage	Seattle
Delivering: ABC S.S. Co.	Seattle	Singapore
	Singapore	Brunei

[PR Doc.75-26914 Filed 10-9-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-11; Notice 02]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Central Hydraulic Brake Systems

This notice amends Standard No. 105-75, *Hydraulic Brake Systems*, 49 CFR 571.105-75, to permit the manufacture of hydraulic-braked vehicles without split service brake systems as long as they are capable of meeting additional stopping requirements in the event of failure in the service brake system. A proposal of this modification was published May 12, 1975 (40 FR 20641), in response to petitions from Citroen Automobile Company, Maserati, S.p.A., and Volkswagen of America, Inc.

The three vehicle manufacturers requested modifications of Standard No. 105-75 (effective January 1, 1976) because its present requirement for a split service brake system (S5.1) would prevent the development and sale of vehicles utilizing a central hydraulic system with a single pump. The split system has two or more separate subsystems, each operating indefinitely in the event of a failure in another subsystem, and is required as a safety measure to ensure that at least one-half of the braking system will remain operational if any single

failure occurs. The central hydraulic system used by Citroen employs a single pump to supply power to both front brakes and rear brakes. The petitions suggested and the NHTSA tentatively agreed that this type of central hydraulic system, which offers a limited number of stops upon a single failure, provides warning and reserve braking capabilities equivalent in safety to a split system. The petitioners asserted that the danger of operating indefinitely on one-half of a split system is as great as that of operating a central hydraulic system beyond its reserve capability.

The responses to the proposal (including approximately 30 endorsements from owners of Citroen vehicles which employ the central hydraulic system) generally supported the amendment to provide additional design flexibility in meeting Standard No. 105-75. Citroen, which intends to import passenger cars with central hydraulic systems, supported the proposal with one exception. The company pointed out that the special warning system specified in the proposal to accompany the central hydraulic system was technically unfeasible and conflicted with the existing requirements for warning systems in vehicles equipped with brake power units (S5.3.1). The same problem was raised by Clayton Dewandre Company Limited, a manufacturer of brake systems for trucks, and Volkswagen of America. Essentially, central hydraulic systems are designed

to operate within a pressure range, with intermittent pump operation to restore the system accumulators to the higher pressure of the ranges as energy is used in braking or other hydraulic systems. A pressure sensor would be unable to distinguish the type of pressure drop experienced in this normal operation from that resulting from a rupture or leakage-type failure. Only after the pressure dropped below the pump "cut-in" pressure could the sensor experience an abnormal pressure level signifying system failure.

The proposal, in contrast, would have required a warning as soon as any leakage or rupture occurs, before the abnormal pressure drop would be sensed. To revise the requirement in practical terms, the NHTSA amends the standard to eliminate the conflict between the proposed requirement and the existing requirement of S5.3.1(a)(4) for a warning when the supply pressure in a brake power unit drops to some level not less than one-half of the normal system pressure.

The amendment is placed in the same section of the standard as other requirements for warning systems (S5.3) to improve the coherence of the entire standard and to clarify that the pressure warning required on central hydraulic systems is not redundant or in conflict with the warnings called for in S5.3.1(a).

For the same reason, the proposed requirement for additional stopping capability in central hydraulic systems is placed in the same section as the requirement for partial failure system performance of split service brake systems (S5.1.2). Also, the partial failure test procedures for central hydraulic systems have been consolidated into the test procedures for split service brake systems in S7.9.1.

Citroen, Volkswagen, and Clayton Dewandre stressed that the delay of warning signal necessitates a more fundamental modification of the proposed requirement for additional stopping capabilities. The proposal would have specified that the warning signal be activated as soon as the failure occurred, followed by a back-up capability of 10 stops from 60 mph. Now that the signal has been specified as occurring somewhat after the failure (when abnormal pressure loss can be sensed), the 10-stop capability must be required subsequent to activation of the signal so that braking capability is available to the driver for a reasonable time after he has been warned that a malfunction has occurred. Citroen, the only manufacturer that expects to manufacture vehicles subject to these requirements at this time, states that its system is entirely capable of providing 10-stops from 60 mph after the warning system activates. For this reason, the NHTSA considers it appropriate to amend the warning system requirement so that the 10-stop capability is available following activation of the signal.

The NHTSA also proposed a clarification of the test procedures for brake power unit failure (S7.10.2(b)). No com-

ments addressed this matter, and the proposed change, expanded slightly, is made final by this notice. Citroen suggested that a brake fluid level indicator be specified as an additional safety system on central hydraulic systems, noting that such an indicator will become a requirement for vehicles with master cylinder reservoirs (as of September 1, 1976). Wagner Electric Corporation recommended that a "system energy monitoring device" be specified so that volume as well as pressure would be monitored, arguing that a pressure indicator alone will not indicate a failure of the charging device in an accumulator. Clayton DeWandre suggested that if a split service brake system is no longer required, then the brake system should be better protected against failures of non-brake systems (suspension, power steering) that are connected to the brake system.

The NHTSA considers each of these suggestions to have possible merit and contemplates a new proposal to treat these issues and provide for full opportunity for comment by interested persons. At this time, however, it is considered necessary to implement the amendments that will permit production of vehicles without split service brake systems under Standard No. 105-75.

Both Wagner Electric and General Motors questioned the part of the preamble to the proposal that stated, "The [Citroen] response indicates that the Citroen system is not responsible for a greater percentage of accidents than a conventional system." Both companies felt that the submitted information did not form a statistically adequate basis for that conclusion. The NHTSA agrees. The statement in question was only intended to report Citroen's evaluation of the material it submitted in support of its petition, and not to present a conclusion of the NHTSA.

In consideration of the foregoing, Standard No. 105-75 (49 CFR 571.105-75) is amended as follows:

§ 571.105-75 [Amended]

1. The first sentence of S5.1 is amended to read:

S5.1 *Service brake system.* Each vehicle shall be capable of meeting the requirements of S5.1.1 through S5.1.6, under the conditions specified in S6, when tested according to the procedures and in the sequence set forth in S7.

2. Section S5.1.2 is amended to read:

S5.1.2 *Partial failure.* S5.1.2.1 In vehicles manufactured with a split service brake system, in the event of a rupture or leakage type of failure in a single subsystem, other than a structural failure of a housing that is common to two or more subsystems, the remaining portion(s) of the service brake system shall continue to operate and shall be capable of stopping a vehicle from 60 mph within the corresponding distance specified in Column IV of Table II.

S5.1.2.2 In vehicles not manufactured with a split service brake system, in the

event of any one rupture or leakage type of failure in any component of the service brake system the vehicle shall, by operation of the service brake control, be capable of stopping 10 times consecutively from 60 mph within the corresponding distance specified in Column IV of Table II.

3. In S5.1.3.3, the phrase "with one such unit inoperative" is replaced by the phrase "with any one failure in any one unit", the word "inoperative" is deleted from paragraph (a) and the phrase "the inoperative unit" in paragraph (b) is replaced by the phrase "the failed element of the unit".

4. Section S5.3 is amended to read:

S5.3 *Brake system indicator lamp.* Each vehicle shall have one or more brake system indicator lamps, mounted in front of and in clear view of the driver, which meet the requirements of S5.3.1 through S5.3.5. However, the options provided in S5.3.1(a) shall not apply to a vehicle manufactured without a split service brake system; such a vehicle shall, to meet the requirements of S5.3.1(a), be equipped with a warning indicator that activates under the conditions specified in S5.3.1(a)(4). This warning indicator shall, instead of meeting the requirements of S5.3.2, through S5.3.5, activate (while the vehicle remains capable of meeting the requirements of S5.1.2.2 and the ignition switch is in the "on" position) a continuous or intermittent audible signal and a flashing warning light, displaying the words "STOP—BRAKE FAILURE" in block capital letters not less than one-quarter of an inch in height.

5. Section S7.9.1 is amended to read:

S7.9.1 With the vehicle at lightly loaded vehicle weight, after the service brake system to produce any one rupture or leakage type of failure, other than a structural failure of a housing that is common to two or more subsystems. Determine the control force or pressure level necessary to cause the brake system indicator to operate. Make four stops if the vehicle is equipped with a split service brake system, or 10 stops if the vehicle is not so equipped, each from 60 mph, by a continuous application of the service brake control. Restore the service brake system to normal at completion of this test.

6. Section S7.10.2(b) is amended to read:

S7.10.2 *Optional procedures.* . . .

(b) (For vehicles with brake power units with accumulator type systems) Test as in S7.10.2(a), except make 10 stops instead of 6 and, at the completion of the 10 stops, deplete the failed element of the brake power unit of any residual brake power reserve capability before making the final stop.

Effective date: October 10, 1975. Because these amendments have the effect

of permitting actions that previously were prohibited, it is found for good cause shown that an effective date sooner than 30 days following publication in the *FEDERAL REGISTER* is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51.)

Issued on October 3, 1975.

GENE G. MANNELLA,
Acting Administrator.

[FR Doc.75-27312 Filed 10-7-75;2:06 pm]

[Docket 73-20; Notice 7]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity; Response to Petition for Reconsideration

This notice responds to a petition for reconsideration of the notice published August 6, 1975 (40 FR 33036), which amended Standard No. 301, *Fuel System Integrity* (49 CFR 571.301), to specify new loading conditions and establish a 30-minute fuel spillage measurement period following a barrier crash test.

American Motors Corporation (AMC) has petitioned for reconsideration of the amendment to S5.5 of Standard No. 301 insofar as it establishes an effective date of September 1, 1975, for the 30-minute fuel spillage requirement. AMC requests that the effective date for the 30-minute fuel spillage measurement time be delayed for 180 days from the date of publication of the rule.

The NHTSA has determined that AMC's petition has merit. AMC argues that the imposition of an effective date 25 days after the publication of the rule is burdensome because the 30-minute spillage requirement is a more stringent requirement than the previous 15-minute requirement and therefore requires additional testing to determine compliance. The NHTSA agrees that 25 days is not enough time to complete the additional testing. However, the effective date will be postponed 12 months instead of the 6 months requested by AMC so that manufacturers will not have to conduct compliance testing for 1976 model vehicles already certified under the old 15-minute spillage requirement. For these reasons the petition of American Motors Corporation is granted.

In S5.5 of Standard No. 301, *Fuel system integrity*, 49 CFR 571.301, the amendment of August 6, 1975 (40 FR 33036), changing the term "10-minute period" to "25-minute period" effective September 1, 1975, is hereby made effective September 1, 1976.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on October 3, 1975.

GENE G. MANNELLA,
Acting Administrator.

[FR Doc.75-27313 Filed 10-9-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER 1—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Presquile National Wildlife Refuge, Virginia

The following special regulations are issued and are effective during the period October 18, 1975 through November 8, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

PRESQUILE NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Presquile National Wildlife Refuge is permitted on the entire refuge except within 200 yards of all buildings. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) A Federal permit will be required at no charge to the applicant. Permits will be issued for one day only in advance of the season to hunters selected by lottery. Applications must be printed or typed and contain the following information: Name, address, specify gun hunt or archery hunt, up to three other names and addresses of members in party, three preference dates, and whether hunter will use boat or not. Bow hunters must pass a qualification test which will consist of placing 3 out of 5 arrows in a 9 by 14 inch chest area of a standard deer size target at 25 yards. In order to be in the drawing for an archery permit archers must submit a certification statement to the refuge with their application. The statement must bear the name and address of the archery range and signature of range official who actually witnessed the qualification. Permits are non-transferable and will be mailed to selected applicants after the drawing. Alternates will be selected from standby hunters at the ferry landing to fill any vacant slots if permittees do not show up.

(2) Only white-tailed deer may be taken from one half-hour before sunrise to one half-hour after sunset with bow and arrow only on October 18, 22, 25; and with shotguns on November 1 and 8.

(3) Bag limits: one deer per day, either sex.

(4) All hunters must enter the refuge on the ferry at 6 a.m. E.D.T. (5 a.m. E.S.T.) except that boats will be permitted only for those hunters desiring to hunt in the swamp. All boat occupants must wear life jackets. Only small boats will be permitted with outboard engines no larger than 10 h.p. There will be an official State checking station at the refuge headquarters. Hunters must be checked out by refuge officials before leaving the island and leave the refuge by 7 p.m. E.D.T. (6 p.m. E.S.T.).

(5) All travel on the refuge will be on foot or by refuge vehicles. Boats will be permitted in the swamp creeks. Horses and dogs are prohibited.

(6) Possession of firearms on the refuge during the bow and arrow only hunts is prohibited.

(7) All arrows in the possession of each hunter must be marked with the stand number issued to the hunter.

(8) One-hundred thirty-five stands corresponding to the allowable number of hunters on each day of the bow hunts and eighty stands corresponding to the allowable number of hunters on each day of the gun hunts are located throughout the refuge. Each hunter will be assigned the stand corresponding to his permit number. Fluorescent orange must be visible on each gun hunter. Bow hunters will remain at their assigned stands from one half-hour before sunrise to 10 a.m. From 10 a.m. to one half-hour after sunset, they may hunt anywhere within the open area. Archers must wear fluorescent orange when going to and from their stand, and when hunting away from their stand. Shotgun hunters will remain on their stands throughout the day's hunt. Boats must be moored throughout the day. Boats leaving the creek during the day cannot return that day.

(9) All hunters under 18 years of age must be accompanied by an adult.

(10) Scouting will be permitted on October 10 and 11. The refuge ferry will take passengers to the island at 8 a.m. E.D.T., and return to the mainland at 10 a.m. and 12 noon.

These special regulations and maps are available at refuge headquarters, Hopewell, Virginia, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Parts 28 and 32, and are effective through November 8, 1975.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 2, 1975.

[FR Doc.75-27240 Filed 10-9-75;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 280—YELLOWFIN TUNA

Increase in Incidental Catch Rate

Notice of an increase in the incidental catch rate is hereby given pursuant to the proviso to § 280.7(b), Title 50, Code of Federal Regulations as follows:

Upon publication of this notice in the FEDERAL REGISTER, the incidental catch rate of yellowfin tuna for all purse seine vessels of 301-400 short tons carrying capacity, set forth in Title 50 CFR 280.7(b)(2), is hereby increased to 70 percent (70%), and the incidental catch rate for all purse seine vessels of 300 short ton carrying capacity or less, also set forth in Title 50 CFR 280.7(b)(2), is hereby increased to 50 percent (50%). The catch

of yellowfin tuna during the closed season by such purse seine vessels has been well below the expected catch rate and the allotment provided in said Title is not being utilized as expected.

Issued at Washington, D.C., and dated October 7, 1975.

JACK W. GEHRINGER,
Deputy Director.

[FR Doc.75-27306 Filed 10-9-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER 1—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Motor Vehicle Operator (Chauffeur for the Secretary) is excepted under Schedule C.

Effective October 10, 1975, § 213.3316 (a) (36) amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) Office of the Secretary. * * *

(36) One Motor Vehicle Operator (Chauffeur for the Secretary).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-27250 Filed 10-9-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Assistant (Personal Security) to the Secretary is excepted under Schedule C.

Effective October 10, 1975 § 213.3316 (a) (37) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) Office of the Secretary. * * *

(37) One Assistant (Personal Security) to the Secretary.

(5 U.S.C. 3301, 3302; EO 10677, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-27251 Filed 10-9-75;8:45 am]

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to show a change of title from one Special Assistant to the Director of the Occupational Medicine and Environmental Health Division to one Physical Fitness Services Program Specialist.

Effective October 10, 1975 § 213.3348 (o) is amended as set out below:

§ 213.3348 National Aeronautics and Space Administration.

(o) One Physical Fitness Services Program Specialist.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-27249 Filed 10-9-75;8:45 am]

PART 213—EXCEPTED SERVICE
Federal Energy Administration

Section 213.3388 is amended to show that one position of Staff Assistance to the Director for Nuclear Affairs is excepted under Schedule C.

Effective October 10, 1975 § 213.3388 (b) (2) is added as set out below:

§ 213.3388 Federal Energy Administration.

(b) Office of the Deputy Administrator.

(2) One Staff Assistant to the Director for Nuclear Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-27592 Filed 10-9-75;10:18 am]

Title 24—Housing and Urban Development
SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-318]

PART 82—REAL ESTATE
SETTLEMENT PROCEDURES

Miscellaneous Amendments

On August 1, 1975, a notice was published requesting comments, recommendations and proposed amendments by September 30 with respect to Part 82, referred to as Regulation X, under the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. 2601 (RESPA) which was adopted May 22, 1975 (40 FR 22448).

As of September 30, 1975, 344 comment letters were received, of which 243 were received from lenders, 39 were received from attorneys, 31 were received from realtors, 7 were received from title companies, 6 were received from builders, 4 were received from consumers, and 14 were received from other members of the public.

Of the 344 comment letters received, however, only 118 recommended specific changes to Regulation X. The remaining 226 letters made no reference to possible

changes to the regulations; 186 of them supported repeal of part or all of RESPA. Many of the 118 letters discussing regulation changes also supported repeal of part or all of RESPA.

Based upon the comments received to date, as well as other inquiries and comments received from the public, the Department has determined to make the following 8 amendments set forth below. These amendments are made after consultation with the Veterans Administration, Comptroller of the Currency, Department of Agriculture, Federal Home Loan Bank Board, the Federal Reserve Board, Department of Justice, Federal Deposit Insurance Corporation, and the National Credit Union Administration:

1. Eliminate coverage of assumptions, except where a construction loan is converted to a permanent loan.

2. Limit "loan application" to written applications.

3. Limit "loan commitment" to written commitments.

4. Provision that certain lines in Blocks J, K, and L of Advance Disclosure/Settlement form not needed may be deleted from the form.

5. Expand scope of waiver provision to allow reduction of the period between advance disclosure and settlement to one calendar day. Waiver is allowed in all cases, and without regard to the period between loan application and settlement.

6. Provision that Truth in Lending portion of advance disclosure need only be provided to borrower not seller.

7. Provision that Truth in Lending portion of Advance Disclosure/Settlement form is not required to be completed as part of the settlement statement.

8. Provision that settlement statement shall be mailed as soon as practicable after settlement, rather than 3 days after settlement.

These amendments respond to the principal comments and recommendations made regarding Regulation X. They have been carefully drafted to ensure that compliance with the previous regulations will automatically comply with the amended regulations, thereby avoiding the necessity for a new nationwide round of training.

The Department desires to avoid causing such a round of training or substantial revision to lenders' procedures, in view of intensive consideration by Congress of possible amendment, suspension or repeal of Sections 4 and 6 of RESPA.

For this reason, the Department has deferred further consideration of comments recommending technical changes to the instructions for completion of the Advance Disclosure/Settlement form, changes to the rules regarding timing of advance disclosure, changes regarding the contents of the informational booklet, changes regarding the definition of mortgages covered by Regulation X, changes regarding the giving of advance disclosure where two federally-related mortgage loans are made to finance a transaction, changes regarding the definition of date of settlement, clarification of rules regarding construction loans, clarification regarding a variety of situations involving installment sale contracts, and revisions of the definition of sales for resale in the ordinary course of business, exempt farm mortgages and other exempt transactions.

The amendments made are intended to facilitate oral communications with lenders, provide broader use of waivers of the 12-day minimum period between advance disclosure and settlement, eliminate problems which have been encountered in connection with assumption approvals, and eliminate unnecessary use of the Truth in Lending portion of the Advance Disclosure/Settlement form.

A number of comments noted that HUD field offices do not provide information regarding RESPA and Regulation X. That is correct. HUD field offices are not authorized to do so. Questions and comments regarding the Advance Disclosure/Settlement form should be submitted to Office of Policy and Program Analysis and Development, Room 6208, 451 Seventh Street SW., Washington, D.C. 20410. Other comments and questions regarding Regulation X should be submitted to Assistant General Counsel for Home Mortgage Insurance, Room 2253, 451 Seventh Street SW., Washington, D.C. 20410.

It has been determined that these amendments will not significantly affect the quality of the environment and a determination to that effect has been filed in the Office of the Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, 24 CFR Part 82 is amended as follows:

1. Change § 82.2 (a), (g) and (h) to read:

§ 82.2 Definitions.

(a) "Assumption Approval" means the approval by the Lender or his duly authorized agent or representative of an assumption or novation of, or sale subject to, a Home Mortgage which is a construction loan that financed construction of a one-to-four-family residential structure, if such Assumption Approval serves to finance the purchase by a first user. No other approvals of assumptions, novations, or sales subject to existing financing constitute Assumption Approvals.

(g) "Loan Application" means a written application for a Home Mortgage or Assumption Approval on a form or forms normally used by the Lender and received or prepared by the Lender or agent or representative of the Lender. The date of the Loan Application is the date of actual receipt of such form from the applicant or preparation of such form by the Lender or an agent or representative of the Lender.

(h) "Loan Commitment" means a written promise by a Lender to a borrower to make a Home Mortgage or Assumption Approval with respect to a specified property, whether or not such promise is subject to any conditions and whether or not the borrower is obligated to accept such Home Mortgage or Assumption Ap-

proval. In no event shall the Advance Disclosure statement itself be considered to be a Loan Commitment.

2. Change § 82.6(b) (6) to read:

§ 82.6 Uniform Disclosure/Settlement Statement Form.

(b) * * *

(6) In the first two pages, blank lines or items listed in Blocks J, K, and L of the form not used locally or not used in connection with mortgages by the lender may be deleted, except for the following: lines 100, 120, 200, 220, 300, 301, 302, 303, 400, 420, 500, 520, 600, 601, 602, 603, 700, 800, 900, 1000, 1100, 1200, 1300, and 1400. The form may be correspondingly shortened. The number of a deleted item shall not be used for a substitute or new item, but the number of a blank space may be used for a substitute or new item. The numbering sequence shall not otherwise be changed.

3. Section 82.7 is amended by adding the following sentence to paragraph (a) and by changing (d) to read:

§ 82.7 Advance disclosure of settlement costs by lender.

(a) * * * The Truth in Lending portion of HUD Form 1 is only required to be provided to the borrower.

(d) Waiver of minimum period between advance disclosure and settlement. The minimum period between advance

disclosure and settlement provided in paragraph (b) of this section may be reduced to one calendar day from actual receipt of the advance disclosure statement by the borrower and the seller where a copy of the following waiver form is voluntarily executed by the borrower and the seller. When there is more than one borrower or more than one seller, execution by any one of the borrowers and any one of the sellers shall be deemed an acceptable waiver by the borrower and the seller for purposes of this section. The waiver form previously provided also continues to be acceptable. The executed waiver form shall be attached to the settlement statement. The following sentence may be added to the text of the waiver: "This waiver is irrevocable." Such waiver does not waive any applicable right of rescission under the Truth in Lending Act; see Regulation Z, 12 CFR Part 226, for requirements applicable to waiver of right of rescission.

WAIVER TO REDUCE PERIOD BETWEEN ADVANCE DISCLOSURE AND SETTLEMENT

Borrowers(s): _____

Seller(s): _____

Property: _____

Lender: _____

I ACKNOWLEDGE THAT YESTERDAY OR EARLIER I RECEIVED THE ADVANCE DISCLOSURE STATEMENT TO WHICH I AM ENTITLED UNDER RESPA (the Real Estate Settlement Procedures Act of 1974).

I HEREBY WAIVE THE MINIMUM 12-

DAY PERIOD BETWEEN ADVANCE DISCLOSURE AND SETTLEMENT.

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

4. Change § 82.8(a) and (c) to read:

§ 82.8 Uniform Settlement Statement.

(a) Use of HUD Form 1. As required by RESPA section 4, the Uniform Settlement/Disclosure Statement, HUD Form 1, shall be used by the person conducting the settlement (whether or not such person is the lender) as the settlement statement for every Home Mortgage settlement. The Truth in Lending portion of HUD Form 1 is not required to be completed when the form is used as a settlement statement, but Regulation Z may require re-disclosure in the event of a change in terms affecting APR (Annual Percentage Rate).

(c) Delivery. The settlement statement shall be delivered or mailed (by the person conducting the settlement or the lender) to the borrower and seller on the date of settlement or as soon thereafter as practicable.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)); Real Estate Settlement Procedures Act of 1974, (12 U.S.C. 2601))

Effective date. These amendments are effective as of

CARLA A. HILLS,
Secretary of Housing
and Urban Development.

[FR Doc.75-27577 Filed 10-9-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR 1, 21, 23, 25, 27, 29, 31, 33, 35,
39, 43, 45, 91, and 121]

[Docket Nos. 14779 and 14912, Notice No.
75-31A; Airworthiness Review Program;
Notice No. 8]

AIRWORTHINESS DIRECTIVES: TRANSPORT CATEGORY AIRPLANES

Extension of Comment Periods

The Federal Aviation Administration proposed in Notice 75-31 (Airworthiness Review Notice No. 8: Aircraft, Engine, and Propeller Airworthiness, and Procedural Proposals), published in the FEDERAL REGISTER on July 11, 1975 (40 FR 29410), to amend Parts 1, 21, 23, 25, 27, 29, 31, 33, 35, 43, 45, 91, and 121 of the Federal Aviation Regulations to update and improve the airworthiness standards applicable to the type certification of aircraft, engines and propellers, related operating rules, and procedural requirements. It was indicated in Notice 75-31 that comments received on or before October 9, 1975, would be considered by the Administrator before taking action on the proposed rules.

By letter dated September 29, 1975, Aerospace Industries Association of America, Inc. (AIA) requested a 90-day extension of the time provided in Notice 75-31 for the submission of comments. AIA stated that its member companies cannot complete their economic impact studies, technical evaluations, and legal review of Notice 75-31 and prepare their

responses by the October 9, 1975 deadline. In view of the technical experience of the AIA members, some of which are aircraft, engine, or propeller manufacturers, the FAA believes that an extension of comment period should be provided. However, the FAA believes that an extension of 60 days, instead of the 90 days requested, is adequate in view of the extent of public participation in the Airworthiness Review Program to date and the over 16 months that has passed since the general objectives of the proposals contained in Notice 75-31 were published in a Compilation of Proposals (see Notice 74-5A; 39 FR 18662, May 29, 1974).

After the issuance of Notice 75-31, a notice of proposed rulemaking (Docket No. 14912) was issued on August 7, 1975 (40 FR 34139; August 14, 1975), that proposed to amend Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive to require the removal of certain flight attendant seats installed on transport category airplanes and that contained proposed standards for replacement seats. It was noted in that notice that the proposals contained herein were similar to certain proposals in Notice 75-31, and its closing date for comments was originally established to be the same as that of Notice 75-31. Consistent with the original establishment of concurrent closing dates for comments, was originally established to be the same as that of Notice 75-31. Consistent with the original establishment of concurrent closing dates for comments, the FAA believes that the comment period for the notice of proposed

rulemaking to amend Part 39 (Docket No. 14912) should also be extended for 60 days.

It should be noted that Notice 74-5 (39 FR 5785; February 15, 1974), indicated that amendments to the Federal Aviation Regulations based on the 1974-1975 Airworthiness Review Program would be issued and published in the FEDERAL REGISTER by February 13, 1976. That date no longer can be met in light of the action being taken herein, and it is expected that amendments based on Notice 75-31 will now be issued and published by April 30, 1976, instead of the original target date.

I find that petitioner has shown a substantive interest in the proposed rules and that good cause exists for an extension of 60 days in the comment period of both Notice 75-31 and the notice of proposed rulemaking to amend Part 39 (Docket No. 14912). I also find that the extensions are consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45 and 11.85), the time within which comments on Notice 75-31 and the notice of proposed rulemaking to amend Part 39 (Docket No. 14912) will be received, is extended to December 8, 1975.

Issued in Washington, D.C. on October 9, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc. 75-27643 Filed 10-9-75; 12:24 pm]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region II

In order to provide better and more efficient management within the Customs Service, it is proposed to realign the Customs district of New York City, New York (Region II) so that the County of Richmond (Staten Island, New York) would be transferred from the Newark Area to the New York Seaport Area.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II) and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is proposed to transfer the County of Richmond (Staten Island, New York) from the Newark Area to the New York Seaport Area.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration, communications must be received on or before November 10, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: October 2, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.
[FR Doc. 75-27807 Filed 10-9-75; 8:45 am]

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region IX

In order to provide increased service to the public and to allow a more effective management of port personnel, it is proposed to extend the port limits of Port Huron, Michigan, in the Detroit, Michigan, Customs district (Region IX).

Accordingly, notice is hereby given that, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), delegated to the Secretary of the Treasury by Executive

Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is proposed to extend the port limits of Port Huron, Michigan, in the Detroit, Michigan, Customs district (Region IX) to include the territory within the city limits of Port Huron and the municipalities of Marysville, St. Clair, Marine City, and Algonac, Michigan; the territory within the townships of Fort Gratiot, Port Huron, Kimball, and St. Clair, Michigan; and that territory within the townships of East China, Cottrellville, and Clay, Michigan, which lies between Michigan State Highway 29 and the west bank of the St. Clair River, all in St. Clair County, Michigan.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received November 10, 1975.

Written material and suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: October 2, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.
[FR Doc. 75-27308 Filed 10-9-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 113]

MANAGEMENT OF OSAGE JUDGMENT FUND FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Issuance of New Part

OCTOBER 8, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to add a new Part 113 to Subchapter J, Chapter I, Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in 5 U.S.C. 301 and the Act of October 27, 1972 (86 Stat. 1295).

The purpose of the proposed regulations is to govern the orderly and responsible management of the judgment funds and programs provided in Section 1(b) of the Act of October 27, 1972, supra.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, individuals of Osage Indian blood, other interested persons, and Osage organizations may submit written comments, suggestions or objections regarding the proposed regulations to the Commissioner of Indian Affairs, Attention: Acting Chief, Division of Tribal Government Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, on or before November 10, 1975.

It is proposed to add a new Part 113 to Subchapter J, Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

113—EXPENDITURE OF EDUCATION AND SOCIOECONOMIC FUNDS OF THE OSAGE TRIBE OF INDIANS

Sec.

113.1 Definitions.

113.2 Purpose.

113.3 Interest to be expended, principal invested.

113.4 Eligibility to participate.

113.5 Application.

113.6 Tribal Committee.

AUTHORITY: 5 U.S.C. 301; 86 Stat. 1295.

§ 113.1 Definitions.

(a) "Act" means the Act of October 27, 1972 (86 Stat. 1295).

(b) "Fund" means money set aside by Sec. 1(b), Act of October 27, 1972.

(c) "Superintendent" means the Superintendent of the Osage Agency.

(d) "Descendants" means a person in the direct line of descent, as child, grandchild, great-grandchild.

(e) "Committee" means the group selected to administer the fund.

§ 113.2 Purpose.

The regulations in this part govern the use of the \$1 million, plus interest, together with all funds that revert to the Osage Tribe of Indians of Oklahoma pursuant to section 2(b) of the Act of October 27, 1972 supra. Such funds may be advanced, expended, invested, or reinvested for the purpose of financing an education program or other socioeconomic programs of benefit to the Osage Tribe of Indians of Oklahoma.

§ 113.3 Interest to be expended, principal invested.

Only the interest generated from the principal sum of \$1 million, plus accrued interest, together with all funds reverted to the tribe at the end of the fiscal year shall be expended from said fund. The principal shall be invested and reinvested by the Bureau of Indian Affairs at the highest rate of interest available.

§ 113.4 Eligibility to participate.

All recipients of aid from this fund must be descendants of persons whose names appear on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior on April 11, 1908, pursuant to the Act of June 28, 1906 (34 Stat. 539).

§ 113.5 Application.

All applications for funds must be filed with the Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Oklahoma, 74056. An individual filing an application should identify the name of the person whose name appears on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior on April 11, 1908, pursuant to the Act of June 28, 1906 (34 Stat. 539) through whom he claims eligibility to participate in programs financed by this fund.

§ 113.6 Tribal Committee.

The committee shall be selected by the Osage Tribal Council. All committee members must be of Osage blood as defined in section 113.4. The committee shall have a chairman, vice-chairman, and secretary to be selected from the committee and by the committee.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-27562 Filed 10-9-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Rulemaking

This notice proposes minimum grade and size requirements for oranges grown in the Lower Rio Grande Valley in Texas for the period November 3, 1975, through November 7, 1976. The proposed requirements are designed to promote orderly marketing in the interest of producers and consumers.

The proposal would establish regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 24, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's

appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of oranges from the production area is now in progress, and such shipments are regulated by grade and size through November 2, 1975, under § 906.354 Orange Regulation 26 (39 FR 36852). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2, and be at least 2 1/4 inches in diameter. The proposed grade and size requirements, which would become effective November 3, 1975, are the same as the requirements currently in effect and are necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower-quality and smaller-sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

Such proposal reads as follows:

§ 906.356 Orange Regulation 27.

Order. (a) During the period November 3, 1975, through November 7, 1976, no handler shall handle:

(1) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Any oranges of any variety, grown in the production area, which are smaller than pack size 288, as such size is specified in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be 2 1/4 inches;

(3) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any oranges of any variety, grown as aforesaid, unless such oranges meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term

in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.60-51.714).

Dated: October 7, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-27355 Filed 10-9-75; 8:45 am]

[7 CFR Part 906]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Rulemaking

This notice proposes minimum grade and size requirements for grapefruit grown in the Lower Rio Grande Valley in Texas for the period November 3, 1975, through November 7, 1976. The proposed requirements are designed to promote orderly marketing in the interest of producers and consumers.

The proposal would establish regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 24, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed grade and size regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of grapefruit from the production area is now in progress, and such shipments are regulated by grade and size through November 2, 1975, under § 906.355 Grapefruit Regulation 26 (39 FR 36851; 39257; 40 FR 4117). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2, and be at least 3 1/4 inches in diameter.

The proposed regulation, which would become effective November 3, 1975, is comparable to the one effective during the 1974-75 season. The proposed minimum size requirement of 3 1/4 inches in diameter during the first part of the season is designed to delay harvest of smaller fruit until it reaches its full size about the end of February. At such time it is desirable to lower the minimum size requirement to 3 1/8 inches as most of the fruit has reached its full size, as much of the larger-sized fruit has been shipped,

and as the available supplies of grapefruit have diminished.

The proposed action is necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of producers and consumers, and to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller-size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

Such proposal reads as follows:

§ 906.357 Grapefruit Regulation 27.

Order. (a) During the period November 3, 1975, through November 7, 1976, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2;

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3 1/8 inches; *Provided*, That during the period February 23, 1976, through November 7, 1976, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630 (c) of the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3 1/8 inches;

(3) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for

Grapefruit (Texas and States other than Florida, California and Arizona).

(7 CFR 51.620-51.653).

Dated: October 7, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[FR Doc.75-27356 Filed 10-9-75;8:45 am]

COMMERCE DEPARTMENT

Office of the Secretary

[15 CFR Part 3]

RULES OF PROCEDURE FOR HANDLING CONTRACT APPEALS

Proposed Rules

Notice is hereby given that the following revised rules are proposed to be adopted in lieu of those currently in effect for proceedings before the Department of Commerce Appeals Board (29 FR 19095, December 30, 1964). These proposed rules are based upon the uniform rules recommended by the National Conference of Boards of Contract Appeals Members on April 25, 1975. Written comments will be received on or before November 10, 1975. Following consideration of submissions received, final publication is expected sufficiently in advance to meet the anticipated December 31, 1975, effective date. Comments should be addressed to:

U.S. Department of Commerce, Appeals
Board, Room 3518, Washington, D.C. 20230.

HUGH J. DOLAN,
Chairman, Appeals Board.

1. *Jurisdiction for considering appeals.* The Appeals Board for the Department of Commerce—constituted under Department Organization Order 20-11 (40 FR 17771, April 22, 1975) (referred to herein as "the Board") is authorized to consider and determine appeals from decisions of contracting officers arising under contracts which contain provisions requiring the determination of appeals by the Secretary of Commerce or his duly authorized representative or board. In addition, the Board has jurisdiction over other matters assigned to it by appropriate authority. Decisions by the Appeals Board are final within the Department of Commerce.

2. *Organization and location of the Board.* (a) The Board is located in Washington, D.C., and its mailing address is U.S. Department of Commerce, Appeals Board, Room 3518, Washington, D.C. 20230.

(b) The Appeals Board consists of a full-time Chairman and fifteen (15) to twenty (20) departmental officials specially qualified to serve as members and designated as such by the Secretary. The Chairman is the administrative head of

the Board and is authorized to assign each matter on appeal to a panel of three (3) Board members. The Chairman may serve as a member of each panel, but in the event of his absence or unavailability for any other reason he may designate another Board member to serve in that capacity. In general, the appeals are assigned to a panel of three members of the Board. The decision of a majority of the panel constitutes the decision of the Board. Board Members are designated as Administrative Judges and the Chairman is designated as Chief Administrative Law Judge.

3. *Decisions on questions of law.* When an appeal is taken pursuant to a Disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may, in its discretion, hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

4. *Appeals Board procedure.* (a) *Rules.* Appeals referred to the Board are handled in accordance with the rules of the Board. Though these rules are particularly applicable to contract appeals they will be generally utilized in other appeals to the Board except to the extent that other specific rules apply.

(b) *Administration and interpretation of rules.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(c) *Preliminary procedures.* Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

(d) *Time, computation, and extensions.* (1) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

(2) Except as otherwise provided by law, in computing any period of time prescribed by these rules or by order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(3) Requests for extensions of time from either party shall be made in writing, stating good cause therefor.

It is proposed to revise 15 CFR Part 3 to read as follows:

PART 3—RULES OF PROCEDURE FOR HANDLING CONTRACT APPEALS

PRELIMINARY PROCEDURES

- Sec.
- 3.1 Appeals, how taken.
 - 3.2 Notice of appeal, contents of.
 - 3.3 Forwarding of appeals.
 - 3.4 Preparation, contents, organization, forwarding, and status of appeal file.
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AUTHORITY: R.S. 161; 5 U.S.C. 301, Department Order No. 106 (Revised), 25 FR 2603, March 26, 1960.

PRELIMINARY PROCEDURES

§ 3.1 Appeals, how taken.

Notice of an appeal must be in writing, and the original, together with two copies may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

§ 3.2 Notice of appeal, contents of.

A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract by number, the department and agency or bureau cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the contractor making the appeal, or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's attorney. The complaint referred to in Rule 6 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 3.3 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing, or date of receipt, if otherwise conveyed, and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal, whether through the contracting officer or otherwise, the contractor, the contracting officer and government counsel will be promptly advised of its receipt. The contractor will be furnished a copy of these rules and notices of appearance will be requested.

§ 3.4 Preparation, contents, organization, forwarding, and status of appeal file.

(a) *Duties of Contracting Officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board, an appeal file consisting of all documents pertinent to the appeal, including:

- (1) The decision and findings of fact from which appeal is taken;
- (2) The contract including specifications and pertinent amendments, plans and drawings;
- (3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;
- (4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and
- (5) Any additional information considered pertinent.

Within the same time above specified, the contracting officer shall furnish the appellant a copy of each document he transmits to the Board, except those stated in paragraph (a), (2) and (3) of this section as to which a list furnished appellant indicating documents transmitted will suffice, and those stated in paragraph (d) of this section.

(b) *Duties of the Appellant.* Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant shall supplement the same by transmitting to the Board

any documents not contained therein which he considers pertinent to the appeal, and furnishing two copies of such documents to the Government counsel.

(c) *Organization of Appeal File.* Documents in the appeal file may be originals or legible facsimile or authenticated copies thereof, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file.

(d) *Lengthy Documents.* The Board may waive the requirement of furnishing to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when a party has shown that doing so would impose an undue burden. At the time a party files with the Board a document as to which such a waiver has been granted, he shall notify the other party that the same or a copy is available for inspection at the offices of the Board or of the party filing same.

(e) *Status of Documents in Appeal File.* Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision, unless a party objects to the consideration of a particular document in advance of hearing or of settling the record in the event there is no hearing on the appeal. If objection to a document is made, the Board will rule upon its admissibility into the record as evidence in accordance with §§ 3.13 and 3.20.

§ 3.5 Dismissal for lack of jurisdiction.

Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

§ 3.6 Pleadings.

(a) *Appellant.* Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the respondent shall be so notified.

(b) *Respondent.* Within 30 days from receipt of said complaint, or the afore

said notice from the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondents' defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counter-claims as appropriate. Upon receipt thereof, the Board shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 3.7 Amendments of pleadings or record.

The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 3.4, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the § 3.4 documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

§ 3.8 Hearing election.

Upon receipt of respondent's answer or the notice referred to in the last sentence of § 3.6(b), above, appellant shall advise whether he desires a hearing as prescribed in §§ 3.17 through 3.25 or whether, in the alternative, he elects to submit his case on the record without a hearing, as prescribed in § 3.11. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in § 3.12.

§ 3.9 Prehearing briefs.

Based on an examination of the documentation described in § 3.4, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 3.8. In the absence of a Board requirement therefor, either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a

prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 3.10 Prehearing or presubmission conference.

Whether the case is to be submitted pursuant to § 3.11, or heard pursuant to §§ 3.17 through 3.25, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before an Administrative Judge or examiner of the Board for a conference to consider:

- (a) The simplification or clarification of the issues;
- (b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;
- (c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;
- (d) The possibility of agreement disposing of all or any of the issues in dispute; and
- (e) Such other matters as may aid in the disposition of the appeal.

The results of the conference, except they are otherwise recorded, shall be reduced to writing by the Administrative Judge or examiner and this writing shall thereafter constitute part of the record.

§ 3.11 Submission without a hearing.

Either party may elect to waive a hearing and to submit his case upon the record before the Board, as settled pursuant to § 3.13. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submission to be supplemented by oral argument (transcribed if requested), and by briefs arranged in accordance with § 3.23.

§ 3.12 Optional accelerated procedure.

(a) In appeals involving \$25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed \$25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the

substantive nature of the dispute requires processing under the Board's regular procedures and the Board sustains such objection. In cases proceeding under this section, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decision by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single Administrative Judge with the concurrence of the Chairman or a designated member; except that in cases involving \$5,000 or less where there has been a hearing, the single Administrative Judge presiding at the hearing may, in his discretion, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions and decision of the appeal. In the later instance, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under § 3.29 commences.

(c) Except as herein modified, these rules otherwise apply in all respects.

§ 3.13 Settling the record.

(a) The record upon which the Board's decision will be rendered consists of the appeal file described in § 3.4 and, to the extent the following items have been filed, pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, posthearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will at all reasonable times be available for inspection by the parties at the office of the Board.

(b) Except as the Board may otherwise order in its discretion, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

§ 3.14 Discovery—depositions.

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those

orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or failing such agreement, governed by order of the Board.

(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the Board may, in its discretion, receive depositions as evidence in supplementation of that record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

§ 3.15 Interrogatories to parties, admission of facts, and production and inspection of documents.

(a) *Interrogatories to parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath and returned within 30 days. Upon timely objection by the party, the Board will determine the extent to which the interrogatories will be permitted.

(b) *Admission of facts.* After an appeal has been filed with the Board, a party may serve upon the other party a request for the admission of specified facts. Within 30 days after service, the party served shall answer each requested fact or file objections thereto. The factual propositions set out in the request shall be deemed admitted upon the failure of a party to respond to the request for admission.

(c) *Production and inspection of documents.* Upon motion of any party showing good cause therefor, and upon notice, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents or objects, not privileged, specifically identified, and their relevance and materiality to the cause or causes in issue explained, which are reasonably calculated to lead to the discovery of admissible evidence. If the

parties cannot themselves agree thereon, the Board shall specify just terms and conditions in making the inspection and taking the copies and photographs.

§ 3.16 Service of papers.

Papers shall be served personally or by mailing the same, addressed to the party upon whom service is to be made. Copies of complaints, answers and simultaneous briefs shall be filed directly with the Board. The party filing any other paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the Board, or on the letter transmitting the same, that a copy has been so furnished.

HEARINGS

§ 3.17 Where and when held.

Hearings will ordinarily be held in the Washington, D.C. area, except that upon request seasonably made and upon good cause shown, the Board may set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may, in its discretion, advance a hearing.

§ 3.18 Notice of hearings.

The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties.

§ 3.19 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 3.11.

§ 3.20 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member or examiner in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member or examiner. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hear-

ing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

§ 3.21 Examination of witnesses.

Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member or examiner shall otherwise order. If the testimony of a witness is not given under oath, the Board may warn the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 3.22 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 3.23 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member or examiner at the conclusion of the hearing. Ordinarily, they will be simultaneous briefs, exchanged within 30 days after receipt of transcript.

§ 3.24 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts or copies of the proceedings shall be supplied to the parties at such rates as may be fixed by the Board.

§ 3.25 Withdrawal of exhibits.

After a decision has become final the Board may, upon request and after notice to the other party, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

REPRESENTATION

§ 3.26 The appellant.

An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any state, commonwealth, territory, or in the District of Columbia. An attorney representing an appellant shall file a written notice of appearance with the Board.

§ 3.27 The respondent.

Government counsel may, in accordance with their authority represent the interest of the Government before the Board. They shall file notices of appear-

ance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and the Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal: *Provided, however*, That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

DECISIONS

§ 3.23 Decisions.

Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions shall be open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board will be made solely upon the record, as described in § 3.13.

MOTION FOR RECONSIDERATION

§ 3.29 Motion for reconsideration.

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

DISMISSALS

§ 3.30 Dismissal without prejudice.

In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may, in its discretion, dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed. Unless either party or the Board acts within three years to reinstate any appeal dismissed without prejudice, the dismissal shall be deemed with prejudice.

§ 3.31 Dismissal for failure to prosecute.

Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may issue an order requiring the offending party to show cause why the appeal should not be either dismissed or granted, as appropriate. If the offending party shall fail to show such cause, the Board may take such action as it deems reasonable and proper under the circumstances.

EX PARTE COMMUNICATIONS

§ 3.32 Ex parte communications.

No member of the Board or of the Board's staff shall entertain, nor shall

any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

SANCTIONS

§ 3.33 Sanctions.

If any party fails or refuses to obey an order issued by the Board, the Board may make such order in regard to the failure as it considers necessary to the just and expeditious conduct of the appeal.

EFFECTIVE DATE AND APPLICABILITY

§ 3.34 Effective date and applicability.

These rules shall take effect on January 1, 1976. Except as otherwise directed by the Board, these rules shall not apply to appeals which have been docketed prior to their effective date.

[FR Doc.75-27507 Filed 10-9-75;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

[6 CFR Part 704]

INVESTIGATIONS

PROPOSED RULEMAKING INTO INFLATIONARY AND POTENTIALLY INFLATIONARY ACTIVITIES

This Notice contains the proposed rules of the Council on Wage and Price Stability ("Council") concerning various aspects of the Council's investigations into inflationary and potentially inflationary activities in the public and private sectors of the economy. It will establish Part 704 of Chapter VII in Title 6 of the Code of Federal Regulations.

The Council on Wage and Price Stability Act, 12 U.S.C. section 1904 note, as recently amended by Pub. L. 94-78, provides authority for the Council to issue subpoenas for testimony and documentary evidence and to require the submission of periodic reports. It also directs other agencies to share data or information with the Council.

The publication of these proposed rules does not reflect a change in the Council's investigational policy. It is our intention to continue our practice of seeking voluntary cooperation in data collection. The rules set forth herein specify the Council's procedures for issuing subpoenas or requiring periodic reports in the event such cooperation is not forthcoming. The Council anticipates that individuals and firms will continue their practice of voluntary cooperation with Council investigations and that the compulsory processes discussed in these regulations would be infrequently needed.

Subpart A of Part 704 outlines the Council's investigational policy, its policy as to confidentiality of information collected, and the method of enforcing its subpoenas and its orders requiring periodic reports. Subpart B states the procedures whereby the Council may issue subpoenas. It specifies procedures for

objecting to subpoenas and for making other requests. This subpart also concerns the Council's investigational hearings. Subpart C concerns periodic reports and is similar to Subpart B. Subpart D formalizes the procedures under which the Council may request data or information from other agencies.

Any person interested in the rules proposed herein may participate in this proposed rulemaking by submitting written data, views, or arguments, addressed to the General Counsel, Council on Wage and Price Stability, Room 3235, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503 on or before November 7, 1975.

However, if the occasion arises for issuing a subpoena, issuing an order requiring periodic reports, or requesting data from another agency, prior to publication of the final rules, the Council will follow the procedures set forth in the proposed rulemaking and will advise the party or parties involved of the procedures to be followed.

Accordingly, the Council on Wage and Price Stability proposes to add to 6 CFR, Chapter VII, the following new Part 704: Investigations.

MICHAEL H. MOSKOW,
Director.

PART 704—INVESTIGATIONS

Subpart A—General

Sec.	Purpose.
704.1	Investigational policy.
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704.4	Immunity of periodic reports from legal process.
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Subpart B—Subpoenas

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704.22	Authorization to request data from other agencies.
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704.25	Confidentiality of data obtained from other agencies.

AUTHORITY: 12 U.S.C. 1904, as amended by Pub. L. 94-78.

Subpart A—General

§ 704.1 Purpose.

This Part establishes the Council's procedures (a) for issuing subpoenas for testimony and documentary evidence, and (b) for requiring the submission of

periodic reports, pursuant to the Council on Wage and Price Stability Act, 12 U.S.C. Section 1904 note, as amended by Pub. L. 94-78, and procedures for filing objections and requests related thereto. This Part also establishes the Council's procedures for requesting data or information from other agencies pertaining to the economy or any sector of the economy.

§ 704.2 Investigational policy.

From time to time, the Council shall conduct investigations related to its responsibilities under the Council on Wage and Price Stability Act, as amended, to monitor inflationary activities and potentially inflationary activities in the public and private sectors of the economy. In these investigations, the Council will encourage parties voluntarily to provide data requested by the Council. Where the public interest requires, however, the Council may, in any matter under investigation, invoke any or all of the compulsory processes authorized by the Act.

§ 704.3 Notification of purpose.

Subpoenas and orders requiring periodic reports issued subject to this Part shall notify the respondent of the purpose and scope of the Council's investigation.

§ 704.4 Confidentiality of information.

(a) Confidential product line or other such category information relating to an individual firm or person whether voluntarily submitted, obtained by subpoena, or obtained by order requiring periodic reports, which relates to an individual firm or person shall be considered as confidential and exempt from public disclosure under section 552(b)(4) of Title 5 of the United States Code, the Freedom of Information Act, and shall not be disclosed by the Council.

(b) A request for confidential treatment shall accompany each submission for which it is requested and shall specifically identify the records for which confidential treatment is requested.

(c) Persons, or entities who have submitted confidential information to the Council, by subpoena, periodic report or otherwise, will be given reasonable and prior notice before any action by the Council on subsequent requests by another party for access to that information.

(d) Nothing stated herein shall prohibit the Council from publishing data obtained by subpoena or order requiring periodic reports when aggregated in a manner that does not separately disclose any data obtained from an individual firm or person.

§ 704.5 Immunity of periodic reports from legal process.

Periodic reports obtained by the Council pursuant to an order and determined to be in compliance with that order, all pursuant to Subpart C of this Part, and copies thereof which are retained by the reporting firm or person

shall be immune from legal process as provided by the Act.

§ 704.6 Noncompliance.

In cases of failure to comply with any subpoena or order requiring periodic reports, the Chairman or Director of the Council or a duly authorized representative may request the Attorney General to initiate an appropriate enforcement proceeding in a United States District Court.

Subpart B—Subpoenas

§ 704.7 Authority to issue subpoenas.

(a) The Chairman or the Director of the Council, or in the absence of either of the above, a duly authorized representative, may issue subpoenas in the name of the Council for the attendance and testimony of witnesses and the production of relevant books, papers and other documents, relating to wages, costs, productivity, prices, sales, profits, imports and exports and other information, all by product line or by such other category the Council may prescribe for any purpose related to the Act.

(b) Subpoenas may be issued to any entity whose gross annual revenues are in excess of \$5,000,000. For purposes of this Subsection, "entity whose annual gross revenues are in excess of \$5,000,000" shall include without limitation (i) any business firm, corporation, partnership, cooperative or trade association, or subsidiary or affiliated thereof, whose consolidated annual gross revenues are in excess of \$5,000,000, and (ii) any labor union, or any local or other unit thereof, whose consolidated annual gross revenues from membership dues, return on investments or other source are in excess of \$5,000,000.

§ 704.8 Service of subpoenas.

Service of subpoenas may be effected as follows:

(1) By registered or certified mail. A copy of the subpoena shall be addressed to the entity to be served at its principal office or place of business, registered or certified, and mailed; or

(2) By delivery to an individual. A copy thereof may be delivered to an individual authorized to accept service for the entity to be served.

§ 704.9 Proof of service of subpoenas.

When service is by registered or certified mail, it is complete upon delivery of the document to the Post Office. When service is by delivery to an individual, it is complete upon delivery to an individual authorized to accept service. The verified return or certificate of the person serving the document by personal delivery shall be proof of the service of the documents.

§ 704.10 Satisfactory compliance and extension of time.

The Director or his authorized representative are each authorized to negotiate and approve the terms of satisfactory compliance with the subpoena and, for good cause shown, may extend the time

prescribed for compliance with the subpoena.

§ 704.11 Procedure for objections and requests.

(a) Any objections or requests related to a subpoena shall be filed in triplicate with the Director of the Council at Room 3235, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20506, within ten (10) days after service of the subpoena, or, if the return date is less than ten (10) days after service of the subpoena, within such other time as may be allowed. A timely filing under this section shall stay the requirement of a return on the portion of the subpoena challenged if the Director has not ruled by the return date.

§ 704.12 Contents of objections and requests.

(a) Any filing that objects to a subpoena shall identify those portions of the subpoena which are challenged and also those portions not challenged. With regard to the portions challenged, the filing shall indicate the relief requested and the reasons why the relief should be granted.

(b) Any filing that objects to a subpoena on the ground that the subpoenaed entity is not an entity whose annual gross revenues are in excess of \$5,000,000, as defined by § 704.7(b), shall submit documentary proof of its annual sales, dues, or other appropriate data for the two most recent years.

§ 704.13 Director's decision.

Within twenty (20) working days of the receipt of any objections or requests filed pursuant to § 704.11, the Director shall make a decision and give notice to the subpoenaed entity of that decision. The Director shall specify a new return date, if appropriate.

§ 704.14 Investigational hearings.

(a) Investigational hearings shall be presided over by the Council, one or more of its members, or the Director, or a duly designated representative, for the purpose of hearing the testimony of witnesses and receiving documents and other data relative to any subject under investigation. The presiding officer at such a hearing is authorized to administer oaths to witnesses.

(b) Witnesses subpoenaed shall be paid the same fees and mileage as are paid to witnesses in the Courts of the United States.

§ 704.15 Rights of witnesses in investigational hearings.

(a) Any person compelled to testify in an investigational hearing shall be entitled, on payment of lawfully prescribed costs, to procure a copy of his own testimony as transcribed stenographically or electronically.

(b) Any person compelled to appear in person in an investigational hearing may be represented by counsel. Council shall be permitted to make objections on the record and to state briefly the basis for such objections.

Subpart C—Periodic Reports

§ 704.16 Authority to require periodic reports.

(a) The Chairman, or the Director, or his duly authorized representative, may issue orders in the name of the Council requiring periodic reports derived from information maintained in the ordinary course of business relating to wages, costs, productivity, prices, sales, profits, imports, and exports, and other information, all by product line or by such other category the Council may prescribe for any purpose related to the Act.

(b) A single report from a single entity, separate single reports from two or more entities, and multiple reports from one or more entities are all authorized under this Part.

(c) Where the Council seeks responses to identical orders requiring periodic reports from ten (10) or more entities, the orders requiring periodic reports shall be in compliance with the Federal Reports Act, 44 U.S.C. 3501 *et seq.*

§ 704.17 Definition of periodic reports.

For the purpose of this Part, "periodic report" shall mean a report of specific information requested by the Council or written answers to specific inquiries made by the Council, in either case relating to any matter under investigation by the Council.

§ 704.18 Statement accompanying periodic report.

All responses to an order requiring periodic reports shall be signed by a representative authorized to file the document, indicating that he (or she) has examined the statements contained in the submittal or response, and that all such statements are true and correct to the best of his (or her) knowledge, information, and belief.

§ 704.19 Procedure for objections and requests.

(a) Any objections or requests related to an order requiring periodic reports shall be filed in triplicate with the Director of the Council at Room 3235, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20506, within ten (10) days after service of the order requiring periodic reports. A timely filing under this section shall stay the requirement of a return on the portion of the order challenged if the Director has not ruled by the return date.

§ 704.20 Contents of objections and requests.

(a) Any filing that objects to an order requiring periodic reports shall identify those portions which are challenged and also those portions not challenged. With regard to the portions challenged, the filing shall indicate the relief requested and the reasons why the relief should be granted.

(b) Any filing that objects to an order requiring periodic reports on the ground that the order requires information in categories not maintained in the ordinary course of business shall identify any alternative categories or types of information maintained in the ordinary course of business which bear on the Council's inquiry or shall demonstrate that such an identification would be unreasonably burdensome.

(a) The Director or his authorized representative may negotiate and approve the terms of satisfactory compliance with the order requiring periodic reports. For good cause shown, they may extend the time prescribed for compliance.

§ 704.21 Satisfactory compliance and extensions of time.

(a) The Director or his authorized representative may negotiate and approve the terms of satisfactory compliance with the order requiring periodic reports. For good cause shown, they may extend the time prescribed for compliance.

(b) The Director may determine that any portion or all of a periodic report which contains substantially less or substantially more information than was ordered is not in compliance with that order.

§ 704.22 Director's decision.

Within twenty (20) working days of the receipt of any objections or requests filed pursuant to § 704.19, the Director shall make a decision and give notice to the respondent of that decision. The Director shall specify a new return date, if appropriate.

Subpart D—Data From Other Agencies

§ 704.23 Authorization to request data from other agencies.

(a) The Chairman of the Council has authorized the Director to exercise all of the authority vested in him by section 4(a) of the Act and to delegate any or all of these authorities (39 FR 44068). The Director, the Assistant Director for Wage and Price Monitoring, the Assistant Director for Government Operations and Research, and their representatives are each authorized to request data and information pertaining to the economy or any sector of the economy from any department or agency of the United States and any state or local agency or department, which collects, generates, or otherwise prepares or maintains data or information.

§ 704.24 Procedure for requests by the council.

(a) Any Council request for data from another governmental department or agency shall be addressed to the head of the agency or to any other appropriate official of the agency.

(b) The time and manner of an agency's response to a Council request for data shall be determined by consultation with the appropriate official from that agency.

§ 704.25 Responses by agencies.

When supplying data and information to the Council, the Federal, state or local agency shall indicate whether the data and information are confidential and shall specify all the applicable rules of practice and procedure governing the disclosure of the material supplied.

§ 704.26 Confidentiality of data obtained from other agencies.

(a) Upon request for disclosure for information obtained from a Federal, state, or local agency, the Council will

be guided by section 552 of Title 5, United States Code, and all the applicable rules of practice and procedure of the agency or department from which the information was obtained.

(b) If the agency or department from which the information was obtained has no rules of practice and procedure governing disclosure, the Council shall apply its own rules set forth at 6 CFR, Part 702.

[FR Doc. 75-27281 Filed 10-9-75; 8:45 am]

FEDERAL ENERGY
ADMINISTRATION

[10 CFR Part 211]

DRUG MANUFACTURING USE OF NAPHTHAS, GAS OILS AND OTHER PRODUCTS

Proposed Rulemaking and Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to amend Part 211, Chapter II, Title 10, Code of Federal Regulations, to provide an allocation level for manufacture of ethical drugs and related research for naphthas, gas oils, and other products subject to allocation pursuant to Subparts J and K of the Mandatory Petroleum Allocation Regulations.

From the beginning of the Mandatory Petroleum Allocation Program, the manufacture of ethical drugs and related research has been accorded an allocation level of one hundred percent of current requirements subject to an allocation fraction with respect to middle distillate and residual fuel oil. These two petroleum products, which are primary feedstocks in ethical drug manufacture, were in short supply at the time the allocation program was developed. Allocating these feedstocks at the level selected by FEA fulfilled the requirement of section 4(b)(1)(A) of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159) that FEA's allocation regulations, "provide for protection of public health, safety, and welfare . . . and the national defense." To fulfill this objective, FEA has accorded high priority to uses of petroleum products, such as agricultural production, Department of Defense use, emergency services, energy production, sanitation services, telecommunication services, medical and nursing buildings and other essential uses and services.

Except for middle distillate and residual fuel oil, FEA has not provided an allocation level for petroleum feedstocks for drug manufacturing use, including naphthas, gas oils and "other products" (as defined in 100 CFR 211.202), because these products have not been in short supply. FEA recognizes that despite adequate supplies of naphthas, gas oils and other products, ethical drug manufacturers are potentially in a disadvantageous position should shortages of these products develop. To continue FEA's already established policy with respect to feedstocks for ethical drug manufacture, the proposed revision would provide an allocation level of one hundred percent of current requirements

(reduced by application of an allocation fraction in the case of other products allocated under Subpart K) for manufacture of ethical drugs and related research with respect to naphthas, gas oils and other products. The proposed revision also includes a definition of the term "manufacture of ethical drugs and related research."

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of the proposal on the quality of the environment. The Administrator had no comments on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974 and has been determined not to require evaluation of its inflationary impact.

The public hearing in this proceeding will be held beginning at 9:30 a.m. est on October 28, 1975, in Room 2105, 2000 M Street, NW., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., est, October 20, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through October 24, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., est, October 22, 1975, and must submit 100 copies of his or her statement to Allocation Regulation Development, FEA, Room 2114, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., est, October 24, 1975. The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those

conducting the hearing and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who made an oral statement will be given the opportunity if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, Room 3309, FEA, before 4:30 p.m., est, October 24, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to participate in this rulemaking by submitting written comments and other data with respect to the proposed regulations to Executive Communications, Room 3309, Federal Energy Administration, Box EL, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Allocation Level for Ethical Drug Manufacturing Use." Fifteen copies should be submitted. All comments received by 4:30 p.m., October 28, 1975, and all other relevant information will be considered by the FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-99; Federal Energy Administration Act

of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., October 7, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

1. Title 10, § 211.51 is amended by adding the following definition in the appropriate alphabetical order to read as follows:

§ 211.51 General definitions.

"Manufacture of ethical drugs and related research" means the making of drugs for human consumption which are obtainable only upon prescription by a medical practitioner licensed by the United States, any State, the District of Columbia, Puerto Rico, or any territory or possession of the United States, and the scientific investigation directly related to the making of any such drugs.

§ 211.183 [Amended]

2. Section 211.183 is amended in subparagraph (1) of paragraph (b) by deleting the word "and" at the end of clause (ii); by replacing the period (.) at the end of clause (iii) with a semi-colon (;) and the word "and;" and by adding a new clause (iv) to read as follows:

§ 211.183 Allocation levels.

(b) Allocation levels (not subject to an allocation fraction). (1) * * *

- (ii) Department of Defense use as specified in § 211.26;
- (iii) Petrochemical feedstock use; and
- (iv) Manufacture of ethical drugs and related research.

§ 211.203 [Amended]

3. Section 211.203 is amended in subparagraph (1) of paragraph (c) by deleting the word "and" at the end of clause (vii); by replacing the period (.) at the end of clause (viii) with a semicolon (;) and the word "and;" and by adding a new clause (ix) to read as follows:

§ 211.203 Allocation levels.

(c) Allocation levels subject to an allocation fraction. (1) * * *

- (vii) Chemical processing;
- (viii) Petrochemical feedstock use; and
- (ix) Manufacture of ethical drugs and related research.

[FR Doc. 75-27350 Filed 10-7-75; 3:47 pm]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development VOLUNTARY FOREIGN AID

Registration of Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that registration with the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development has been voluntarily terminated by the following agency:

American Relief for Poland, 1200 North Ashland Avenue, Chicago, Illinois 60622.

Dated: September 30, 1975.

HARRIET S. CROWLEY,
Acting Assistant Administrator
for Population and
Humanitarian Assistance.

[FR Doc. 75-27341 Filed 10-9-75; 8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

ANGELO ALESSIO, ET AL.

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Alessio, Angelo, 4900 Rose Hedge, La Mesa, California, convicted on April 13, 1971, in the United States District Court, Southern District, California; and on April 8, 1974, in the United States District Court, Central District, California.

Abello, John V., 4548 283rd Street, Toledo, Ohio, convicted on September 29, 1954, in the Common Pleas Court, Lucas County, Ohio.

Ard, Laney D., 902 Suntree Court, Sunnyvale, California, convicted on June 23, 1969, in the Superior Court of San Mateo County, Redwood City, California.

Arrington, Lee A., Sr., 3764 Fischer, Detroit, Michigan, convicted on September 27, 1944, in the United States District Court, Southern District, Indiana; and on September 6, 1950, in the Marion County Criminal Court, Indiana.

Baker, Phillip Reed, 11615 Cutten Road, Houston, Texas, convicted on July 26, 1973, in the District Court of Harris County, Texas.

Bateman, Sammie F., Route 1, Box 385, Tieton, Washington, convicted on December 19, 1962, in the Superior Court of the State of Washington in and for Yakima County.

Berles, Richard, 855 Turner N.W., Grand Rapids, Michigan, convicted on or about November 13, 1969, in the Circuit Court for the County of Kent, Michigan.

Bernaine, Louis A., 15445 Fairmount, Detroit, Michigan, convicted on February 12, 1954, in the Circuit Court, Detroit, Michigan.

Bradley, Richard D., Route 1, Box 195, Troutdale, Oregon, convicted on February 9, 1954, and on or about April 5, 1960, in the Kosciusko Circuit Court, 54th Judicial District, Indiana; and on December 11, 1970, in the Deschutes County Circuit Court, Indiana.

Brown, James H., 1533 Sally Ann Drive N.W., Canton, Ohio, convicted on July 12, 1963, in the Court of Common Pleas, Stark County, Ohio.

Burrow, Granville Oslo, 1004 San Domingo Drive, Santa Rosa, California, convicted on June 22, 1937, in the District Court of Grant County, Oklahoma; on November 22, 1943, in the Superior Court, Los Angeles County, California; on October 6, 1950, in the District Court, Seventh Judicial District, Oklahoma; on April 27, 1953, in the Phillips County Circuit Court, Arkansas; and on December 14, 1960, in the United States District Court, Northern District, California.

Burton, Norman L., 2454 Longfellow, Detroit, Michigan, convicted on or about March 18, 1975, in the United States District Court, Detroit, Michigan.

Butler, John F., 132 Oberg Street, San Dimas, California, convicted on February 3, 1970, in the United States District Court, Central District of California.

Campbell, Robert, 6859 Haywood Street, Tujunga, California, convicted on January 25, 1949, and on January 6, 1952, in the Butler County Court, Ohio.

Carr, James H., Mt. Ephraim Road, Searsport, Maine, convicted on April 17, 1951, in the Waldo County Superior Court, Belfast, Maine.

Chaney, Ronald V., 1688 Sutter Street, San Francisco, California, convicted on October 10, 1961, in the Superior Court of California in and for the County of San Diego.

Cook, Garland Vedell, 629 West Milwaukee Avenue, Detroit, Michigan, convicted on February 7, 1949, in the United States District Court, Eastern District of Michigan.

Countegan, James L., 1262 South Bradford Road, Reese, Michigan, convicted on January 22, 1973, in the United States District Court, Eastern District, Michigan.

Dagnell, William Angus, 2803 Kingston Street, Dallas, Texas, convicted on March 5, 1966, in the Pasadena Municipal Court, Pasadena, California.

DeLeeuw, Clarence J., 3600 E. Northland Avenue, Appleton, Wisconsin, convicted on February 19, 1974, in the United States District Court for Eastern Wisconsin.

Dyer, John L., P.O. Box 322, Orange, Virginia, convicted on September 28, 1964, in the Circuit Court of Orange County, Virginia.

Eubanks, John O., 20176 Mark Twain, Ecorse, Michigan, convicted on December 19, 1947, and on February 18, 1952, in the Wayne County Circuit Court, Detroit, Michigan.

Fonseca, Joe M., 1116 Culebra, San Antonio, Texas, convicted on or about September 27, 1952, in the United States Army General Court Martial, Headquarters, Sixth Army, California.

Glover, Vickie Leon, P.O. Box 66, Margarettsville, North Carolina, convicted on October 28, 1969, in the Superior Court of Northampton County, North Carolina.

Gregory, Leo Mark, Route 1, Union Grove, North Carolina, convicted on May 21, 1935, in the Superior Court, Statesville, North Carolina; on May 21, 1937, and November 29, 1939, in the United States District Court, Wilkes County, North Carolina; and on November 22, 1968, in the United States District Court, Salisbury, North Carolina.

Griffin, Gilbert P., Jr., 603 Torino Drive, Dothan, Alabama, convicted on May 21, 1965, in the Circuit Court, Houston County, Alabama.

Hampton, Wayne F., 106 South Lincoln, Sioux Falls, South Dakota, convicted on November 13, 1972, in the Circuit Court, Charles Mix County, North Dakota.

Hancock, Ronald V., 1385 Garfield Street, Idaho Falls, Idaho, convicted on May 2, 1958, in the District Court, Bonneville County, Idaho.

Harris, Terry L., Richland, Nebraska, convicted on June 3, 1968, in the District Court of Boyd County, Nebraska.

Hino, Frank S., 1922 South Lander Street, Seattle, Washington, convicted on February 22, 1945, in the United States District Court, District of Idaho.

Holley, George D., Route 3, Bassett, Virginia, convicted on December 8, 1970, in the United States District Court, Middle District of North Carolina.

Holliman, Philip M., 908 Third Avenue SW., Payette, Alabama, convicted on February 28, 1967, in the 24th Judicial District of Alabama Court.

Horne, Matthew, Jr., 1427 North 7th, Waco, Texas, convicted on or about June 2, 1936, in the 54th Judicial District Court, McLinn County, Texas.

Horstman, Mark C., 219 Marshall, Houston, Texas, convicted on July 12, 1973, in the 174th District Court, Harris County, Texas.

King, Peter S., 7324 Backlick Road, Springfield, Virginia, convicted on October 8, 1971, in the Circuit Court, Hanover County, Virginia.

Koff, Samuel G., 807 W. Trinity Avenue, Durham, North Carolina, convicted on September 25, 1973, in the United States District Court, Middle District, North Carolina.

Krizan, John M., 544 Valley Road, Ambridge, Pennsylvania, convicted on June 4, 1971, in the Beaver County Criminal Court, Ambridge, Pennsylvania.

Leonard, James G., 615 6th Street, Gaylord, Minnesota, convicted on January 13, 1961, in the Fifth Judicial District Court, Nicollet County, Minnesota.

McDowell, Sam, 3101 Winchester Avenue, Ashland, Kentucky, convicted on April 15, 1942, in the United States District Court, Southern District of West Virginia.

McLeod, Thomas R., 801 College Street, Port Gibson, Mississippi, convicted on November 14, 1972, in the Circuit Court of Harrison County, Mississippi.

Mallard, Irvin Edward, 936 Bernard Street, Bakersfield, California, convicted on December 29, 1971, and on February 20, 1974, in the Superior Court, Kern County, California.

Manchesi, Salvatore, 217 Lodi Street, Hackensack, New Jersey, convicted on May 22, 1964, in Bergen County Court, New Jersey.

Miller, Martin J., 9031 Hastings Boulevard, Riverside, California, convicted on January 3, 1964, and on March 9, 1965, in the Superior Court, Riverside County, California.

Morris, Frank, Jr., 8409 Seward Park Avenue South, Seattle, Washington, convicted on June 17, 1965, in the Superior Court of the State of Washington.

Motley, Ray J., 118 E. Teft Street, Nipomo, California, convicted on January 9, 1966, in the Superior Court of California, County of San Luis Obispo.

Nelson, David Bryan, 160 Hill Court, Hartland, Wisconsin, convicted on or about April 25, 1974, in the Circuit Court of Vilas County, Wisconsin.

Neville, Clarence M., 13946 Clearcrest Drive, Baldwin Park, California, convicted on or about August 9, 1969, in the St. Clairsville County Court, Belmont County, Ohio.

Newman, George Earl, Sr., 513 Huntington Street, Augusta, Georgia, convicted on November 23, 1953, in the United States District Court, Augusta, Georgia.

Nunley, Keith E., Route 1, Box 84, Valleyford, Washington, convicted on January 31, 1967, in the Superior Court of the State of California, County of Stanislaus; and on July 7, 1967, in the United States District Court, Southern District, California.

Palmer, Louis Visco, P.O. Box 1240, Atascadero, California, convicted on August 10, 1964, in the Santa Barbara County Superior Court, California.

Perzentka, Jerry A., 1563 Ames, Neenah, Wisconsin, convicted on or about December 28, 1967, in the County Court of Winnebago County, Wisconsin.

Pickett, Kenneth R., 2521 Williams, Des Moines, Iowa, convicted on June 5, 1948, in the Polk County District Court, Des Moines, Iowa.

Pridgeon, James W., Fletcher Street, Mayo, Florida, convicted on or about January 24, 1972, in the United States District Court, Northern District of Florida.

Randolph, George Darrell, 18700 R. D. Mize Road, Independence, Missouri, convicted on June 28, 1971, in the Jackson County Circuit Court, Kansas City, Missouri.

Reagan, Roger D., 822 Ruell, Houston, Texas, convicted on May 9, 1972, in the District Court, Harris County, Texas.

Riblett, Buel A., Box 242, Raymond, Nebraska, convicted on or about July 25, 1958, and on or about September 7, 1961, in the District Court of Lancaster County, Nebraska.

Robbins, Samuel, 19211 Hardy, Livonia, Michigan, convicted on or about July 3, 1947, and on January 29, 1948, in the Recorder's Court, Detroit, Michigan.

Robertson, Robert Lee, 1218 Nevada Street, Flint, Michigan, convicted on or about October 1, 1954, in the Circuit Court for Ingham County, Michigan.

Ruggles, Dean Orville, Rural Route, Grass Valley, Oregon, convicted on or about December 1, 1970, in the Superior Court of the State of Washington, Walla Walla County.

Sabal, Thomas M., 18 First Street, Bangor, Maine, convicted on August 8, 1973, in Penobscot County Superior Court, Bangor, Maine.

St. Clair, James L., 840 Holly, Junction City, Oregon, convicted on or about December 7, 1967, in the Circuit Court, Coos County, Oregon; and on April 24, 1968, in the Circuit Court, Lane County, Oregon.

Saverda, Karen M., RFD 1, P.O. Box 28, Black River Falls, Wisconsin, convicted on or about January 10, 1969, in the Circuit Court, Jackson County, Wisconsin.

Schmatz, Robert J., 2106 Madison Street, Manitowoc, Wisconsin, convicted on June 1, 1973, in the United States District Court for the Eastern District of Wisconsin.

Schneiders, Nicholas Lee, 608 South Cornelia, Sioux City, Iowa, convicted on September 11, 1968, in the District Court for Lancaster County, Nebraska; and on October 5, 1967, in the United States District Court, Northern District of Iowa.

Smith, Lynn Edward, 3711 Shamrock West, Tallahassee, Florida, convicted on January 23, 1970, in the Superior Court, Dougherty County, Georgia.

Stalter, Billy Bob, 3412 E. 3rd Place, Lubbock, Texas, convicted on January 30, 1961, in the 140th District Court, Lubbock County, Texas.

Stone, Abraham E., Jr., 11761 Washburn, Detroit, Michigan, convicted on November 4, 1965, in the Recorder's Court for the City of Detroit, Michigan.

Strickland, Jack G., 27 Quincy, Cottage Grove, Oregon, convicted on December 14, 1972, in the Circuit Court of the State of Oregon, Lane County, Oregon.

Terry, Leonard, 2198 S. Electric, Detroit, Michigan, convicted on May 10, 1949, in the Recorder's Court, Detroit, Michigan.

Tice, William J., 3907 W. Eighth Street, Fremont, Michigan, convicted on July 8, 1952, in the Circuit Court, Newaygo County, Michigan.

Williamson, Henry Joseph, 7 Main Street, Albion, Rhode Island, convicted on January 17, 1969, in the Superior Court of Providence County, Rhode Island.

Zippe, Glen L., Box 78, R.R. 2, Wapello, Iowa, convicted on August 22, 1972, in the Circuit Court, Henderson County, Illinois.

Signed at Washington, D.C. this 25th Day of September 1975.

REX D. DAVIS,
Director, Bureau of Alcohol,
Tobacco and Firearms.

[FR Doc.75-27242 Filed 10-9-75;8:45 am]

Commissioner of Customs

[TD 75-253; Customs Delegation Order
No. 51]

ASSISTANT COMMISSIONER, OFFICE OF ADMINISTRATION

Delegation of Authority

Order of the Commissioner of Customs delegating authority with respect to the sale of Customs forms to the Assistant Commissioner, Office of Administration.

By virtue of the authority vested in me by Treasury Department Order No.

165, revised (TD 53654, 19 FR 7241), as amended, I hereby delegate to the Assistant Commissioner, Office of Administration, the authority to designate those Customs forms which shall be for sale to the general public, to establish the price of each salable Customs form, and to periodically adjust the price of such forms as the varying costs of printing and distribution require.

This Delegation Order shall take effect October 10, 1975.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-27310 Filed 10-9-75;8:45 am]

[041062]

TARIFF CLASSIFICATION; SOLICITATION OF VIEWS; CLARIFICATION

Importation of Cab Chassis

OCTOBER 6, 1975.

Pursuant to § 152.15 of the Customs Regulations (19 CFR 152.15), notice that the Customs Service is reviewing its practice of classifying cab chassis was published in the FEDERAL REGISTER on Tuesday, September 2, 1975 (40 FR 40190). Thirty days from the date of publication of the notice were given for submission of data, views, or arguments pertaining to the correct classification of this merchandise.

On August 22, 1975, when this notice was approved for publication, § 152.15 of the Customs Regulations was in effect. However, pursuant to Treasury Decision 75-186, which was published in the FEDERAL REGISTER on Wednesday, July 30, 1975 (40 FR 31928), § 152.15 was deleted from the Customs Regulations effective August 29, 1975.

Accordingly, in order to set forth the new citation of authority, reference to § 152.15, Customs Regulations (19 CFR 152.15), appearing in the third paragraph of column one on page 40190, immediately following the words, "pursuant to", is deleted, and the reference, "§ 177.10 (c) (1), Customs Regulations, (19 CFR 177.10(c) (1))", is substituted therefor.

Since requests have been received for an extension of the time for the submission of comments, the period for submission of data, views, or arguments relating to the correct classification of cab chassis is extended to December 2, 1975. Comments may be addressed to the Commissioner of Customs, Attention: Classification and Value Division, Washington, D.C. 20229.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8 (b)), at the Classification and Value Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-27311 Filed 10-9-75;8:45 am]

Fiscal Service
WISCONSIN SURETY CORP.
Surety Companies Acceptable on Federal
Bonds: Notice of Liquidation

Wisconsin Surety Corporation, Madison, Wisconsin, formerly held a Certificate of Authority as an acceptable surety on Federal bonds, and was last listed as such at 39 FR 26370, July 18, 1974. The company's authority was terminated by the Department of the Treasury effective March 10, 1975. Notice of the termination was published in the FEDERAL REGISTER of March 17, 1975, page 12127.

There is reprinted below a copy of a notice dated April 14, 1975, issued by the Wisconsin Insurance Department, indicating the company is now being liquidated. Please note that the notice stipulates all claims against the company must be filed by December 1, 1975.

Questions concerning claims against the company may be directed to A. Roy Anderson, Special Deputy Commissioner of Insurance of Wisconsin, at the address given in the notice. There are no proof of claim forms as such, but bankruptcy claim forms may be modified for this purpose. Any such forms must comply with Sec. 645.62 of the Wisconsin Statutes. A copy of Sec. 645.52, Wisconsin Statutes, may be obtained from the Special Deputy Commissioner of Insurance of Wisconsin.

Questions concerning this notice may be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226. Telephone (202) 964-5284. An information notice containing additional information concerning filing claims will be distributed to Federal agencies by the same office.

Dated: October 3, 1975.

DAVID MOSCO,
Fiscal Assistant Secretary.

[FR Doc.75-27333 Filed 10-9-75; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy
SECRETARY OF THE NAVY OCEANO-
GRAPHIC ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I), notice is given that a meeting of the Secretary of the Navy Oceanographic Advisory Committee will be held at the facilities of the Naval Ocean Research and Development Activity, National Space and Technology Laboratories, Bay St. Louis, Mississippi, on November 6 and 7, 1975. The sessions will commence at 9 a.m. and terminate at 4 p.m. each day. The purpose of the meeting is to solicit the advice of the committee concerning various ocean science, ocean operations, and ocean engineering programs being conducted by the Navy, some of which are classified and required by Executive Order to be kept secret in the interests of national defense.

The Secretary of the Navy has therefore determined in writing that the public interest requires that the portions of the meeting from 1 p.m. to 4 p.m. on November 6, and from 11 a.m. to 1 p.m. on November 7, be closed to the public because they will be concerned with matters listed in section 552(b)(1) of title 5, United States Code. The remainder of the meeting will be open to the public.

Dated: October 2, 1975.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy.
Assistant Judge Advocate General.

[FR Doc.75-27269 Filed 10-9-75; 8:45 am]

Office of the Secretary
DEFENSE SCIENCE BOARD TASK FORCE
ON NET TECHNICAL ASSESSMENT
Meeting

The Defense Science Board Task Force on "Net Technical Assessment" will meet in closed session on 4-5 November 1975 at the Defense Advanced Research Projects Agency, 1400 Wilson Boulevard, Arlington, Virginia.

The overall mission of this Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on US/USSR overall research and engineering technology programs and to provide guidance for US technology exploitation in these areas to the Department of Defense.

The Task Force will examine in detail the important problem of determining critical intelligence technical requirements of the Department of Defense, the ways in which answers to these requirements would influence future US R&D/operational actions, any time urgency associated with the requirements and collection methods for satisfying these requirements.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: October 7, 1975.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

[FR Doc.75-27336 Filed 10-9-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
SALMON DISTRICT MULTIPLE USE
ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Salmon District Multiple Use Advisory Board will be held beginning at 9 a.m., November 6, 1975, at the Salmon District Office, Salmon, Idaho.

The Advisory Board was established to advise the Salmon District Manager on matters relating to the use, management, protection, and disposition of lands and resources administered by the Bureau of Land Management within its Salmon District of Idaho.

The purpose of the meeting is to (1) outline the responsibilities of the Board members; (2) orient new members to the BLM organization; (3) orient new members to the resource areas and planning system progress; (4) orient new members to the present resource situation; (5) discuss regulation changes; and (6) other appropriate items.

The meeting is open to the public. It is expected that 10 persons will be able to attend the session in addition to the committee members. Interested persons may make written presentations to the committee or file written statements. Such requests should be made to the official listed below at least 10 days prior to the meeting.

Further information concerning this meeting may be obtained from Harry R. Finlayson, District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467—(208) 756-2201. Minutes of the meeting will be available for public inspection and copying 2 weeks after the meeting at the Salmon District Office, Highway 93 South, Salmon, Idaho.

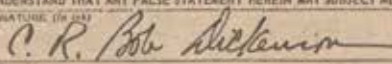
HARRY R. FINLAYSON,
District Manager.

[FR Doc. 75-27239 Filed 10-9-75; 8:45 am]

**Fish and Wildlife Service
ENDANGERED SPECIES PERMIT
Receipt of Application**

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Abilene Zoological Society, Abilene Zoological Gardens, Abilene, Texas 79604. Mr. C. R. Dickenson, President, Abilene Zoological Society, Mr. Daniel M. Watson, Executive Director, Abilene Zoological Gardens.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)													
		☐ IMPORT OR EXPORT LICENSE ☒ PERMIT													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Export one female tiger as bona fide gift to Zoo in Madrid, Spain													
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Abilene Zoological Society P. O. Box 60 - 188 E.S. 11th Abilene, TX 79604 Phone: (915) 672-9771		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Public Zoological Gardens for Education and Recreation of public, Mexico													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>☐ MR. ☐ MRS. ☐ MISS ☐ MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		☐ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			6. NAME, TITLE, AND PHONE NUMBER OF PRESIDENT OR MANAGER: XXXXXXXXXXXX Bob Dickenson, P. O. Box 360, Abilene, TX 79604 (915) 677-6291 10. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED Texas	
☐ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Air Lanes across Atlantic (commencing with Dallas/Fort Worth Airport to Madrid, Spain) (via Pan-American Airlines)		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO (If yes, list license or permit number)													
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		9. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO (If yes, list jurisdiction and type of document) Health Certificate, Certificate of Origin													
10. DESIRED EFFECTIVE DATE 15 Sept. 1975		11. DURATION NEEDED 3 months													
12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.															
CERTIFICATION															
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN 50 CFR 17.12(a) OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (IN INK) 		DATE September 8, 1975													

I. (1) Bengal tiger (*Panthera tigris*), one (1) female, 1 year and 1 month old exporting.
 II. This animal born in captivity.
 IV. Raised in captivity. Born in Zoo in Abilene, Texas.

V. Zoo de la Casa de Campo, Madrid, Spain.

VI. Live tiger is referred to. (1v) Wood and wire mesh modified squeeze cage as manufactured by Research Equipment Company, Bryan, Texas. Size: 3' x 4' x 7' (approximate). Water container to be integral, fillable from outside, no food required en route.

VII. 1975

VIII. 1. Transferring tiger for breeding purposes.

ii. Shipment by common carrier.

iii. To add additional female to establish compatible group for breeding.

CONSULADO DE ESPAÑA,
Houston, August 29, 1975.

Mr. DANIEL M. WATSON, Executive Director,
Abilene Zoological Gardens, In Nelson
Park, State Highway 36 at Loop 322,
Abilene, Texas.

DEAR SIR: Find enclosed the documents to enter a Bengal tiger in Spain for the Zoo in Madrid.

Since you tell us is a gift or present to the Zoo in Madrid we have legalized the documents free of charge. If this is not the case this documents will not be accepted by the Customs Authorities in Spain.

Sincerely,

THE CONSUL OF SPAIN
By: (MISS) M. GONZALO,
Chancellor.

ABILENE ZOOLOGICAL GARDENS,
Abilene, Tex.

CERTIFICATE OF ORIGIN

This is to certify that a female Bengal Tiger being sent to the Zoo at Madrid, Spain was born in the Abilene Zoo in the City of Abilene, Texas, U.S.A., 11 June 1974 and is the property of the Abilene Zoological Society. This transfer is being made as a gratuitous transaction as a present to the Zoo at Madrid from the Abilene Zoo in the interest of international good will.

DANIEL M. WATSON,
Executive Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 10, 1975, will be considered.

Dated: October 6, 1975.

LOREN K. PORCHER,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FR Doc. 75-27316 Filed 10-9-75; 8:45 am]

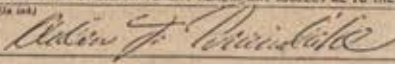
ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to

have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Blue Pike Recovery Team, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111, Arden J. Trandahl, Team Leader.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)													
		☐ IMPORT OR EXPORT LICENSE ☒ PERMIT													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. To conduct activities leading to the recovery of the endangered population of the Blue Pike, <i>Stizostedion vitreum glaucum</i> . Activities include collection, transporting, holding, identification, propagation and stocking of blue and suspect blue pike specimens and progeny.													
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Arden J. Trandahl, Team Leader Blue Pike Recovery Team U. S. Fish & Wildlife Service Federal Building, Fort Snelling Twin Cities, Minnesota 55111		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION NA													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>☒ MR. ☐ MRS. ☐ MISS ☐ MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED NA	
☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit numbers)		8. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED NA													
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		10. DESIRED EFFECTIVE DATE upon submission													
11. DURATION NEEDED indefinitely		12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. See attachments													
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In ink) 		DATE 5/16/75													

MAY 16, 1975.

To: Special Agent-in-Charge, Law Enforcement District No. 7, Twin Cities, Minn. (LE).

From: Team Leader, Blue Pike Recovery Team, Twin Cities, Minn. (P&A-FH).

Subject: Issuance of an Endangered Species Permit for the Blue Pike Recovery Team.

This memorandum and attachments is a request for issuance of an Endangered Species Permit for the Blue Pike Recovery Team. The permit should be issued to myself as Team Leader as appointed by the Director, U.S. Fish and Wildlife Service on February 27, 1975. However, the other Team members and a reference to Team designated agents should be on the permit.

Members of the Recovery Team and implementation of the Recovery Plan will require collection, handling and retention of blue pike *Stizostedion vitreum glaucum* and blue

pike suspects (alive and dead). Presently, it is unclear whether or not the "true" blue pike continues to exist and efforts are underway to make this determination. Specimens must be collected for this purpose and the permit would provide protection for those handling suspects if they are certified as blue pike.

Attached is the information required under the format established by 50 CFR 13.12.

ARDEN J. TRANDAHL

(1) Arden J. Trandahl, Blue Pike Recovery Team, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Telephone: 612/725-3596.

(2) Not Applicable.

(3) Director, U.S. Fish and Wildlife Service, Lynn A. Greenwalt.

(4) The entire historical range of the Blue pike *Stizostedion vitreum glaucum* with

emphasis on Lake Erie. Other selected waters, fish hatcheries and laboratories as needed. Hatcheries and laboratories will most likely be located in the Great Lakes area.

(5) Type: Scientific Permit Involving Endangered Wildlife. A permit is requested to conduct activities leading to the recovery of the endangered Blue pike *Stizostedion vitreum glaucum*. Activities will include collection, transporting, holding, identifying, propagation and stocking of Blue and suspect Blue pike specimens as defined by Section 3(14) of the Endangered Species Act of 1973 (P.L. 93-205). Recovery Team activities may expand to include the importation of Blue pike and suspect Blue pike specimens from Canada and importation activity should be included as defined by Section 3(7) of the same Act. Recovery Team/Plan activities include the taking and possessing of specimens alive and dead. The propagation efforts will require the holding of approximately 400 individuals.

This permit is necessary to carry out activities recommended by the Blue Pike Recovery Team and concurred by the Director, U.S. Fish and Wildlife Service or his agents in the Office of Endangered Species. It is assumed that under the provisions of Section 13.25(b), individuals possessing incidental catches with the intent to furnish them to the Recovery Team, and persons under the direct control or under contract, including Recovery Team members, will also be covered by the permit:

John W. Parsons, Great Lakes Fishery Laboratory, U.S. Fish and Wildlife Service, Ann Arbor, Michigan 48107.

Shyri Hood, Pennsylvania Fish Commission, Linesville State Fish Hatchery, Linesville, Pennsylvania 16424.

Russell Lee Scholl, Ohio Dept. of Natural Resources, Division of Wildlife, P.O. Box 650, Sandusky, Ohio 44870.

Bill Shepherd, New York Department of Environmental Conservation, Division of Fish and Wildlife, Olean, New York 14760.

Arnold J. Stoltz, U.S. Fish and Wildlife Service, Hebron National Fish Hatchery, Route #1, Hebron, Ohio 43025.

John Andersen, Division of Fishery Services, U.S. Fish and Wildlife Service, Box 928, Warren, Pennsylvania 16865.

(6) Future importation of suspect specimens is possible. If such activity becomes reality, proper foreign permits, if required, will be obtained.

(7) Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Proposed effective date: Upon submission.

(9) Present Date: May 16, 1975.

(10)

ARDEN J. TRANDAH, Jr.
Team Leader.

JULY 21, 1975.

To: Director, Washington, D.C. (AFA).
From: Leader, Blue Pike Recovery Team.
Subject: Endangered Species Collection Permit Information—Blue Pike.

This memorandum is being submitted in response to Mr. Paradiso's request for additional information concerning subject permit.

The Blue Pike Recovery Team must collect suspect specimens from natural environments to determine if they are Blue pike or walleye/Blue pike intergrades. Recent collections from fishermen have produced fish with varying color intensities and questionable quality. The determination will have to be made through sophisticated laboratory techniques as taxonomists, at present, cannot confirm suspects as true Blue pike.

The total number of suspects to be collected over the next three years is undetermined with a reasonable estimate of 200 individuals. If and when the determination is made, up to 400 additional fish may be needed to carry out a program of hatchery propagation and adult stocking in selected waters for gene pool preservation.

Initially, fish will be transported from Lake Erie waters to the Hebron, Ohio National Fish Hatchery and the VA Laboratories, Minneapolis, Minnesota. Other collection, propagation and Laboratory identification sites will be added as needed. The Hebron site has been designated the initial staging and holding site.

Propagation will be attempted when suitable specimens have been located. If collections progress satisfactorily, a possibility exists of propagation in 1976 or 1977. Stocking of progeny would not occur until 1977 or 1978. Propagation in hatcheries is thought to be the best known method to secure adequate numbers of stock for reestablishment of the species.

In summary, it is critical for the Recovery Team to hold collection, transporting, propagating and stocking permits to function in recovery efforts. Due to the uncertain identity of recently captured suspects, it is urgent that identification activities continue to establish if recovery efforts should terminate or continue.

ARDEN J. TRANDAH, Jr.

SEPTEMBER 8, 1975.

To: Director, Washington, D.C. (LE).
From: Leader, Blue Pike Recovery Team.
Subject: Endangered Species Collection Permit Information—Blue Pike (Your Request August 5, 1975, C. R. Bavin).

In accordance with the above request I am providing additional information and it is as follows:

Justification for Application for Endangered Species (Blue Pike) Permits. The permit will allow the catching, holding, transporting, and propagating of all ages and sexes of blue pike, *Stizostedion vitreum glaucum*, in numbers ranging from several fish during early collections of broodstock to a potential of several million young fish if propagation is successful. Wild fish will be collected for determining morphological characteristics and establishing speciation, and for broodstock in hatcheries.

All blue pike now sought are wild fish. Four potential breeders are now held in the Hebron, Ohio National Fish Hatchery.

The applicant will have the facilities and transportation available, when applicable, to hold and transport, at proper water temperatures and oxygen concentrations, any wild specimens that may be accidentally caught by

sport and commercial fishermen, or sought by scientific means in an attempt to collect broodstock with a minimum of mortality. In hatcheries and holding ponds, blue pike will be protected and safeguarded with the utmost of precaution insofar as a holding and propagation program will allow. The four specimens now in the Hebron National Fish Hatchery were caught by commercial fishermen in Lake Erie and turned over to Federal hatchery personnel.

Unless other arrangements are made later, all blue pike will be held in holding tanks and ponds, or raceways of the Hebron and Seneca National Fish Hatcheries in Ohio.

All blue pike will be held, transported, and propagated in National Fish Hatcheries and possibly in State Fish Hatcheries by trained fish hatchery personnel and fish biologists.

Nearly all "blue pike" mortality in recent years has occurred in commercial nets fished for other species. Mortality is being reduced by direct communications with fishermen advising them to release live fish caught in their nets or to hold them for state and federal biologists if so directed.

The applicant is justified in obtaining a permit because without the authority and assistance of selected personnel in obtaining blue pike specimens for identification, holding, and propagation, no reasonable attempt to safeguard or enhance blue pike populations is available. The applicant is a member of the National Blue Pike Recovery Team.

To supplement the information, I am also enclosing copies of our earlier submission.

ARDEN J. TRANDAH, Jr.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 10, 1975 will be considered.

Dated: October 6, 1975.

LOREN K. PORCHER,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FRC Doc. 75-27317 Filed 10-9-75; 8:43 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Dr. Lester L. Short, American Museum of Natural History, Central Park West at 79th Street, New York, N.Y. 10024.

OMB NO. 42-1925

 DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one) ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Importation into U.S. of 2 specimens of endangered Ground Parrot, for scientific studies.		3. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION (Applicant is employee of American Museum of Natural History, a public scientific and educational institution.)	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: ☐ MR. ☐ MRS. ☐ MISS ☐ MS. DATE OF BIRTH: May 29, 1933 PHONE NUMBER WHERE EMPLOYED: 212-873-1300 OCCUPATION: Ornithologist		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Into New York City from Canberra, Australia		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number) Scientific Collecting Permit 12-86-7-MY	
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF N/A		9. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdiction and type of document) New South Wales - sci. collecting permit. * ✓ Australian government - export permit.	
10. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (24 CFR 17.23) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. See letter to Director and attachments of 5 Aug. 1975. Encl. 1 - Supplementary Information - 50 CFR 17.23 (a). Encl. 2 - Copy of permit to export parrots from Australia.			
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001. SIGNATURE (in ink): <i>Lester L. Short</i> DATE: <i>5 Sept 1975</i>			

THE AMERICAN MUSEUM OF
NATURAL HISTORY,
New York, N.Y., August 5, 1975.

DIRECTOR, BUREAU OF SPORT FISHERIES AND
WILDLIFE,
U.S. Fish and Wildlife Service,
Washington, D.C.

DEAR SIR: I would like to apply for a permit to import 2 dead, already collected anatomical specimens of the endangered Australian Ground Parrot (*Pezoporus wallicus*), for purposes of scientific study. These specimens were legally collected by me in Australia (see enclosure 2), and have been cleared for shipment to me by Australian authorities (see enclosure 3), who are awaiting word from me to ship them here.

I enclose (see enclosure 1) what I believe to be all the information required by the regulations for applying for a permit to import endangered wildlife for scientific, zoological studies. This information includes a statement on the status of the Ground Parrot that may be of interest to your personnel who deal with endangered species.

I assure you that these specimens are essential for scientific study of the anatomy

and systematic relationships of parrots, for the Ground Parrot is primitive, and unusual among parrots. The specimens were prepared as a skeleton, and as a fluid ("alcoholic" or "pickled") specimen, these for osteological and dissection studies. The species is not kept in captivity, and anatomical specimens have been, until now, totally unavailable in American collections.

Your issuance of the permit will be appreciated.

Very truly yours,
LESTER L. SHORT,
Curator, AMNH, and Adjunct Professor of Biology, Graduate Faculty, City University of New York.

ENCLOSURE 1. INFORMATION ABOUT SPECIMENS TO BE IMPORTED

Endangered Species.—*Pezoporus wallicus*, Ground Parrot.

Specimens taken.—2, already collected (dead specimens) in New South Wales, Australia, in November, 1974, under authority of a New South Wales collecting permit (enclosure 2), presently in hands of Australia's CSIRO awaiting word from me to ship them.

Reason for Collecting, Justification.—There are to my knowledge no captive specimens of this species or genus in zoos or aviaries, hence specimens for study must be taken in the wild. The Ground Parrot, and its relative the Australian Night Parrot (*Geopsittacus occidentalis*)—Status, probably extinct, not reported in 60 years), are among the most primitive of parrots. Studies of parrot anatomy and taxonomy to be undertaken by Professor Walter Boek of Columbia University, and me, require anatomical specimens of this parrot. There are to our knowledge no specimens for anatomical studies in the Americas, and in fact there seem to be no specimens anywhere prepared as "alcoholics" (whole specimen in fluid) for dissection. The few extant skeletons are in Australian museums. Thus, it was essential to obtain by collecting an alcoholic specimen and a skeleton, and this was accomplished, legally, in New South Wales. Among the aspects of our contemplated studies that are of interest is the establishment of relationships between Australasian and South American parrots, the relationships of which now are unknown. Since the very primitive Night Parrot is completely unavailable (maybe extinct), its near relative the Ground Parrot is the only species possible to study, and it is absolutely essential that the anatomical specimens that we collected be available to us here.

Specimens Collected.—2 specimens were taken, and were prepared immediately according to the most modern techniques, one as an "alcoholic," and the other as a skeletal specimen. These will be incorporated into the American Museum of Natural History's anatomical collections, where, after our studies, they will be available for study by other scientists. We found the Ground Parrots to be common on a plateau area where they were not known to occur. Their heathland habitat is extensive in that area, and 8 Ground Parrots were seen (with effort, see below). The region in which we collected the Ground Parrots is part of a frequently used Australian Army artillery firing range! We worked in the area during a week in which no firing was scheduled. We saw evidence of fires, presumably caused by shellfire, and shell holes in the habitat of the Ground Parrots. It is likely that some of these parrots have been killed by artillery firing, which course continued after we left the area. Fortunately the region is scheduled to become part of a park when the Australian Army lease expires in several years.

Status of Ground Parrot.—Although "endangered" status has been accorded the Ground Parrot, its actual status rather appears to be that of a rare or uncommon species that must be studied, and checked for rarity at intervals because of habitat destruction. The Ground Parrot is active mainly at night, it is secretive, it flies rarely, and it keeps hidden in swampy, wet heathlands not usually frequented by people. This makes it difficult to find and study the bird, which could be present in many unsuspected places. The leading parrot expert, Joseph Forshaw, in *Australian Parrots*, says of it "the numbers are probably not as low as most reports indicate." Indeed, the Ground Parrot occurs sporadically along the Australian coast and inland over 1,000 miles of Queensland, New South Wales and Victoria, to near the South Australian border; it reoccurs in several areas of Western Australia (1200 miles away from the nearest eastern birds); and, in Tasmania it is (from Forshaw's book) "not common near settlement but is still fairly abundant along parts of the west coast." I am confident that this species is not on the verge of extinction, hence is not "endangered," and, if it occurred in the United States, it would not be so con-

sidered. Since the conferring of "endangered" status restricts scientists in their studies, it should be accorded only to truly threatened species, and even for most of those species there exists a valid need for occasional collecting, as new scientific techniques and needs arise. Of course, I would prefer to err on the side of safety for the birds, according them "endangered" status if there is any doubt about their status.

LESTER S. SHORT.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 10, 1975, will be considered.

Dated: October 6, 1975.

LOREN K. PORCHER,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FR Doc. 75-27318 Filed 10-9-75; 8:45 am]

National Park Service

CHACO CANYON NATIONAL MONUMENT, NEW MEXICO

Proposed Master Plan and Development Concept Plan Availability of Environ- mental Assessment and Notice of Public Workshops

Public workshops will be held beginning at 7:30 p.m. on November 11, 1975, in the Bureau of Indian Affairs Conference Room, Federal Building, Gallup, New Mexico; at 7:30 p.m. on November 12, 1975, in the San Juan Community College Conference Room, Farmington, New Mexico; at 1 p.m. on November 15, 1975 in the Lecture Hall, Anthropology Building, University of New Mexico Campus, Albuquerque, New Mexico; and at 12 noon on December 17 at the Holiday Inn, Grants, New Mexico. These workshops will be listening sessions for park management where the public's views on various strategies for resource management, visitor use, and development of Chaco Canyon National Monument are elicited.

Available now and to be discussed at the workshop is an environmental assessment of alternate plans including boundary changes, visitor access and circulation, visitor use and facility development, and both archeological and soil stabilization.

The environmental assessment is available at the following locations: Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501; Chaco Center, Anthropology Building, University of New Mexico, Post Office Box 26176, Albuquerque, New Mexico 87125; Navajo

Lands Group Office, 111 North Behrend Avenue, Post Office Box 539, Farmington, New Mexico 87401; and Chaco Canyon National Monument, Star Route, Bloomfield, New Mexico 87413.

Dated: October 1, 1975.

THEODORE R. THOMPSON,
Acting Regional Director,
Southwest Region, National
Park Service.

[FR Doc. 75-27331 Filed 10-9-75; 8:45 am]

CUYAHOGA VALLEY NATIONAL RECREA- TION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that the Cuyahoga Valley National Recreation Area Advisory Commission will meet on Wednesday, October 29, 1975, at 7:30 p.m. (e.s.t.) in the auditorium of the Boston Elementary School, 1930 Bronson Avenue, Peninsula, Ohio.

The Commission was established by Pub. L. 93-555 to meet and consult with the Secretary of the Interior on matters relating to the development of the Cuyahoga Valley National Recreation Area and with respect to carrying out the provisions of the Public Law.

The members of the Commission are: Mrs. Robert G. Warren (Chairman), Mr. Courtney Burton, Mr. Norman A. Godwin, Mr. Donald W. Haskett, Mr. Robert L. Hunter, Mr. James S. Jackson, Mr. Melvin J. Rebholz, Mrs. Roger Rosal, Mrs. George N. Seltzer, Ms. Robbie Stillman, Mr. Barry K. Sugden, Mr. Robert W. Teater, Mr. William O. Walker, Mrs. Ruth R. Kane (Special Consultant).

Matters to be discussed at this meeting include:

1. The role of National Park Service advisory commissions.
2. The organization of this commission.
3. Status of funding for Cuyahoga Valley National Recreation Area.
4. Status of land acquisition.
5. Status of park administration and operations.
6. Relationship of the recreation area with communities.
7. Relationship with citizen groups.

The meeting will be open to the public. It is expected that about 175 persons in addition to members of the commission will be able to attend the session. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from William C. Birdsell, Superintendent Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 653-9036. Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of Cuyahoga Valley National Recreation Area, located at 501 West

Streetsboro Road, (State Route 303) two miles east of Peninsula, Ohio.

Dated: October 2, 1975.

ROBERT L. GILES,
Acting Regional Director,
Midwest Region.

[FR Doc. 75-27378 Filed 10-9-75; 8:45 am]

Office of the Secretary ALASKA NATIVE CLAIMS SETTLEMENT ACT

Determination of Eligibility

This notice is published pursuant to the provisions of 5 U.S.C. 522(a)(1)(E), and advises of the revocation of Secretary of the Interior Order Number 2965 dated June 10, 1974, which was published in the FEDERAL REGISTER on July 19, 1974 (39 FR 26432). Order Number 2965 dealt with Secretarial determinations concerning the eligibility of Alaskan Native Villages for benefits under the Alaskan Native Claims Settlement Act (43 U.S.C. 1601-1624). Since the actions prescribed by the Order have been completed, Order 2965 was revoked by the Acting Secretary of the Interior on August 25, 1975 (Departmental Manual Release Number 1788).

Further information regarding this action can be obtained from Mr. T. S. Elliott, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-5216.

Dated: October 3, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

[FR Doc. 75-27302 Filed 10-9-75; 8:45 am]

[INT FES 75-85]

NORTH COUNTRY TRAIL

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental impact statement for the proposed North Country Trail.

The proposal recommends that Congress authorize the concept of the North Country Trail within a corridor recommended in the Secretary of the Interior's report on the trail. Such authorization would permit the eventual designation of a hiking trail, approximately 3,240 miles in length, originating at the Appalachian Trail, traversing New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, terminating at the proposed Lewis and Clark Trail in North Dakota.

Copies are available for inspection at:

Bureau of Outdoor Recreation, Northeast Regional Office, Federal Office Building, 600 Arch Street, Philadelphia, Pennsylvania 19106. Phone 215-597-7990.

Bureau of Outdoor Recreation, Lake Central Regional Office, 3853 Research Park Drive, Ann Arbor, Michigan 48104. Phone 313-769-3211.

Bureau of Outdoor Recreation, Mid-Continent Regional Office, Denver Federal Center, Building 41, P.O. Box 25387, Denver, Colorado 80225. Phone 303-234-2634.

Bureau of Outdoor Recreation, Division of Resource Area Studies, Room 4256, 18th and C Streets NW., Washington, D.C. 20240. Phone 202-343-5772.

Single copies may be obtained by writing the Regional Director, Lake Central Regional Office at the address shown above.

Dated: October 3, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.75-27301 Filed 10-9-75; 8:45 am]

WATER RESEARCH AND TECHNOLOGY ADVISORY PANEL

Meeting

A meeting of the Water Research and Technology Advisory Panel will be held on October 29-30, 1975, at 9 a.m., Room 4119, U.S. Department of the Interior, Washington, D.C.

The meeting is open to the public. The Panel is appointed and convened by the Secretary of the Interior in accordance with the provisions of Pub. L. 88-379 as amended, and is composed of outstanding scientists, engineers, and laymen experienced in public affairs related to water resources. The Panel is charged with reviewing current activities and providing advice relative to future operations and planned programs of the Office of Water Research and Technology.

Further information concerning this meeting may be obtained from George C. Cassaday, Acting Chief, Management Services Division, Office of Water Research and Technology, U.S. Department of the Interior, Washington, D.C. 20240, telephone 343-4608.

JACK O. HORTON,
Assistant Secretary
of the Interior.

OCTOBER 6, 1975.

[FR Doc.75-27300 Filed 10-9-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service SHIPPERS ADVISORY COMMITTEE MEETING

Public Meeting, Cancellation

The October 14, 1975, meeting of the Shippers Advisory Committee, announced in the September 22, 1975, issue of the FEDERAL REGISTER (40 FR 43526), is canceled. The Committee is established under Marketing Order No. 905 (7 CFR Part 905), which regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Committee reported

that the present regulations are appropriate to the prevailing supply situation and requested that the meeting scheduled for October 14 be canceled.

Dated: October 8, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-27555 Filed 10-9-75; 8:45 am]

Cooperative State Research Service

COMMITTEE OF NINE

Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of a meeting of the Committee of Nine at 8:30 a.m., December 3-4, 1975, in the Desiree Room, Governor House Motor Hotel, New Orleans, Louisiana.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of research funds. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, Committee of Nine, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5260.

Dated: October 3, 1975.

R. L. LOVORN,
Administrator.

[FR Doc.75-27359 Filed 10-9-75; 8:45 am]

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Meeting

Pursuant to Pub. L. 92-463, notice is hereby being given that the National Advisory Council on Child Nutrition, which was established to make a continuing study of the child nutrition programs of the Department of Agriculture, is scheduled to hold a meeting on November 4-5, 1975, from 9 a.m. to 4:30 p.m. the first day and 9 a.m. to 12 noon the second day. The meeting will be held at the Ursulines Salon, Monteleone Hotel, New Orleans, Louisiana. The meeting will include a review of the Special Milk Survey, a report on the Nutrition Education Study, a discussion of management and technical assistance, and State plans and general management philosophy. The meeting will be open to the public. Additional information can be obtained by contacting the executive secretary, Herbert D. Rorex, at 202-447-6603.

Dated: October 6, 1975.

RICHARD L. FELTNER,
Assistant Secretary and Chair-
man, National Advisory Council
on Child Nutrition.

[FR Doc.75-27294 Filed 10-9-75; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, November 12, 1975, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) (Supp. III, 1973) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist bloc countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The agenda for the meeting is:

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Review and discussion of technical evaluations provided by industry/government on foreign availability.

The meeting will be open to public observation, and a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration,

U.S. Department of Commerce, Washington, D.C.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

Dated: October 6, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-27255 Filed 10-9-75;8:45 am]

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, November 11, 1975, at 9 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) (Supp. III, 1973) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) maintenance of the processor performance tables and further investigation of total system performance; and (b) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Presentation by representatives from industry on array processors.
- (4) Discussion of the presentations made by industry representatives.

EXECUTIVE SESSION

- (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be made available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, appearing in the issue of January 10, 1975).

Dated: October 6, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-27254 Filed 9-10-75;8:45 am]

LICENSING PROCEDURES SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, November 12, 1975, at 2 p.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) (Supp. III, 1973) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 1974. On July 8, 1975 the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export license applications within the Office of Export Administration and recommend areas where improvements can be made.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Review and discussion of areas to examine regarding export control licensing procedures.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be made available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, appearing in the issue of January 10, 1975).

Dated: October 6, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-27253 Filed 10-9-75;8:45 am]

TECHNOLOGY TRANSFER SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, November 11, 1975, at 1:30 p.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act. The Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee was initially established on April 10, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Technology Transfer Subcommittee was formed to examine the impact of transferring Automatic Data Processing technology to communist destinations.

The Subcommittee meeting agenda has six parts:

GENERAL SESSION

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Review of previous Subcommittee meeting.
- (4) Discussion of Office of Export Administration regulations pertaining to published technical data.
- (5) Discussion of industry practices in controlling software distribution.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the

extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, appearing in the issue of January 10, 1975).

Dated: October 6, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-27256 Filed 10-9-75;8:45 am]

SS UNITED STATES

Amended Notice of Invitation for Bids for Sale and Operation of the Vessel

Notice is hereby given that Invitation for Bids No. PD-X-999, dated August 7, 1975, inviting sealed bids from citizens of the United States for purchase of the SS United States, Official No. 263934, no-

tice of which was published in the *FEDERAL REGISTER* of August 11, 1975 (40 F.R. 33696) has been amended by Amendment No. 2, dated October 7, 1975, so as to extend the time for the receipt of bids from November 5, 1975, to 2:15 p.m. e.s.t., December 9, 1975, and to provide for public opening of such bids at 2:15 p.m. e.s.t. on said date at the office of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C. 20230.

Copies of Amendment No. 2 (dated October 7, 1975) to the Invitation for Bids No. PD-X-999, dated August 7, 1975, may be obtained from the Contracting Officer, Burton T. Kyle, Director, Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: October 3, 1975.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc. 75-27563 Filed 10-9-75; 8:45 am]

**National Oceanic and Atmospheric
Administration
SOUTHWEST FISHERIES CENTER
Receipt of Application for Scientific
Research Permit**

Notice is hereby given that the following Applicant has applied in due form to take and/or import marine mammals for the purpose of scientific research, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Southwest Fisheries Center, National Marine Fisheries Service, La Jolla, California 92038, to conduct research on cetacean populations in the eastern tropical Pacific Ocean, in order to assess the impact of incidental fishing mortality on such populations.

The proposed research will involve the tagging of 7,000 spotted dolphins (*Stenella attenuata*) and 3,000 spinner dolphins (*Stenella longirostris*), in order to derive useful estimates of population size, mortality rates and recruitment rates for these species.

The dolphins will be tagged by means of dart-type spaghetti tags, with two such tags being placed on the upper surface of a dolphin, and by means of a visual disc tag placed through the dorsal fin. During the tagging operation, data regarding length, sex and approximate age of each animal will be collected.

The tagging will be conducted in the eastern tropical Pacific Ocean, using a chartered tuna purse seiner operating under the direction of the scientific party leader. The scientific party will consist of personnel of the Southwest Fisheries Center, National Marine Fisheries Service, and other collaborators designated by the Applicant.

Although no dolphins will be intentionally killed during the proposed research, specimen materials for dolphins

which die in the course of the tagging activities will be returned to the Southwest Fisheries Center as study materials for on-going life history and biological studies.

The majority of returned tags will be recovered by National Marine Fisheries Service observers who would be collecting data on porpoise mortality associated with the U.S. tuna purse seine fleet. No animals will be intentionally killed to recover tags. Another source of tag returns will be the commercial fishermen.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the *FEDERAL REGISTER* the Secretary of Commerce is sending copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, within 30 days of the publication of this notice. The holding of such a hearing is at the discretion of the Director.

Dated: October 3, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc. 75-27322 Filed 10-9-75; 8:45 am]

**STATUS OF MARINE MAMMAL SPECIES
AND POPULATION STOCKS**

**Report of the Secretary of Commerce;
Correction**

On July 22, 1975, a Report of the Secretary of Commerce entitled "Status of Marine Mammal Species and Population Stocks" for the period of May 1, 1974 through March 31, 1975, was published in the *FEDERAL REGISTER* (40 FR 30678) pursuant to the requirements of Section 103(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)). A portion of page 30708 contains an inadvertent administrative error.

Notice is hereby given that on page 30708 of the *FEDERAL REGISTER* cited, under the heading "Spinner Dolphin (*Stenella longirostris*)" the section entitled "Abundance and Trends" is deleted and the following paragraphs are substituted therefor:

"Abundance and Trends." Extrapolations from a feasibility study of using aerial surveys for estimating the magnitude of stocks of dolphins in the eastern tropical Pacific resulted in first-order approximations of the size of the eastern spinner dolphin stock to be between 0.4 and 1.1 million animals in early 1974. The preliminary estimated incidental kill of eastern spinner dolphins

in the international tuna fishery during 1974 was between 26,500 and 32,400 animals, resulting in a first approximation of the annual rate of incidental mortality, to be between 2.4 and 8.1%. Estimated of incidental kill to previous years are 65,800 animals in 1971, 34,400 animals in 1972, and 35,800 animals in 1973. All the above estimates are based on a number of presently unverified assumptions. In addition, it is not possible at this time to make a probability statement that the above ranges include the true values of stock size, mortality, and mortality rates.

"Unverified assumptions are under examination and could significantly alter the population size and rate estimates above. These include the assumption that the spinner dolphin school size was the same in early 1974 as the average throughout 1973. Other significant assumptions not readily verifiable for these years include: (1) species composition of the observed kill is representative of the total porpoise kill, (2) the observed kill is the only significant fishery-related kill, and (3) kill rates of U.S. and foreign fleets are the same. Estimates of abundance and trends have not been made for the other stocks."

Copies of this correction are available in the Office of the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235.

Concurrent with the publication of this notice, the Secretary of Commerce has forwarded the above correction to the President of the Senate and the Speaker of the House of Representatives.

Dated: September 10, 1975.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc. 75-27324 Filed 10-9-75; 8:45 am]

HOWARD E. WINN

**Issuance of a Permit To Take and Import
Marine Mammals**

On July 28, 1975, notice was published in the *FEDERAL REGISTER* (40 F.R. 31648) that an application had been filed with the National Marine Fisheries Service, by Dr. Howard E. Winn, Graduate School of Oceanography, University of Rhode Island, Kingston, Rhode Island 02881, for a permit to conduct research on cetacean species in the Atlantic and Pacific Oceans.

Notice is hereby given that on September 30, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit to Dr. Howard E. Winn, subject to certain conditions set forth therein.

The Permit authorizes Dr. Winn to engage in the following research activities:

1. Record the sound, behavior and numbers of any cetaceans encountered during a series of cruises in the Atlantic and Pacific Oceans, including aerial observations;

NORTHWEST FISHERIES CENTER

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the regulations governing the taking and importing of marine mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to the Northwest Fisheries Center, National Marine Fisheries Service, on January 21, 1975, is modified in the following manner:

Blood samples, up to 10 cc from each animal, may be taken from the marine mammals authorized by the Permit to be taken, tagged and released.

This modification is effective October 10, 1975.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, and the Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: October 6, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-27320 Filed 10-9-75;8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[DOCKET NO. 75G-0296; GRASP 3G0027]

OLIN CHEMICALS

Notice of Filing of Petition for Affirmation
of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 499, 701(a), 52 Stat. 1055, 72 Stat. 1784-1786 (21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0027) has been filed by Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that calcium hypochlorite in the washing of fruits and vegetables is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no pre-filing review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before December 9, 1975, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4-

2. Obtain 30 skin and blubber samples from humpback whales (*Megaptera novaeangliae*), for analysis of chromatin material and pesticides;

3. Conduct underwater observations, and make underwater movies, of humpback whales (*Megaptera novaeangliae*);

4. Import 20 skin and blubber samples from humpback whales (*Megaptera novaeangliae*) taken in the humpback whale fishery in Bequia, British West Indies;

5. Collect any dead stranded humpback whales (*Megaptera novaeangliae*) found within the jurisdiction of the United States, and import dead humpback whales (*Megaptera novaeangliae*), or parts thereof, from Bequia, British West Indies, for anatomical studies.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: October 2, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-27323 Filed 10-9-75;8:45 am]

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATIONCOASTAL MARINE LABORATORY AND
UNIVERSITY OF CALIFORNIAIssuance of Permit To Take Marine
Mammals

On June 2, 1975, notice was published in the FEDERAL REGISTER (40 FR 23778) that an application had been filed with the National Marine Fisheries Service by Mr. Michael L. Bonnell, Coastal Marine Laboratory and Dr. Burney J. LeBoeuf, Department of Biology, of the University of California, Santa Cruz, California 95064, to take up to 5,010 northern elephant seals (*Mirounga angustirostris*), by tagging, and 5 California sea lions (*Zalophus californianus*), by tagging, over a period of five years.

Notice is hereby given that on September 30, 1975, and as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit to the Coastal Marine Laboratory to take 5,010 northern elephant seals and five California sea lions, by tagging, subject to certain conditions set forth therein. The Permit is available for review in the Office of the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 2, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-27321 Filed 10-9-75;8:45 am]

65, 5600 Fishers Lane, Rockville, Md. 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: October 3, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-27280 Filed 10-9-75;8:45 am]

Office of Secretary

PRESIDENT'S BIOMEDICAL RESEARCH
PANEL

Change of Meeting

The time and location of the meeting of the President's Biomedical Research Panel as announced in Volume 40, FR, page 42233, Thursday, September 11, 1975, has been changed. The meeting originally scheduled to be held October 27 from 9 a.m. to 5 p.m. and October 28 from 9 a.m. to 5 p.m. in the conference room of the Panel offices, 2401 E Street NW., Washington, D.C. 20506 has been changed to October 27 from 9 a.m. to 5 p.m. and October 28 from 9 a.m. to 3 p.m. in Building 31 (A Wing), Conference Room 4, National Institutes of Health.

Dated: October 6, 1975.

CHARLES U. LOWE

[FR Doc.75-27342 Filed 10-9-75;8:45 am]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-305; FDAA-488-DR]

ALABAMA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on October 2, 1975, the President declared a major disaster as follows:

"I have determined that the damage in certain areas of the State of Alabama resulting from high winds, tornadoes, heavy rains, and flooding resulting from Hurricane Eloise beginning about September 22, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Alabama."

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under

Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Alabama to have been adversely affected by this declared major disaster:

The Counties of:

Barbour	Geneva
Bullock	Houston
Chambers	Lee
Coffee	Macon
Covington	Pike
Dale	Russell

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 2, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.75-27325 Filed 10-9-75;8:45 am]

[Docket No. NFD-306; FDAA-487-DR]

NEW YORK

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on October 2, 1975, the President declared a major disaster as follows:

"I have determined that the damage in certain areas of the State of New York resulting from severe storms, heavy rains, landslides, and flooding beginning about September 22, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of New York."

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, HUD Region II, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of New York to have been adversely affected by this declared major disaster:

The Counties of:

Allegany	Oswego
Broome	Queens
Cayuga	Rockland
Chemung	Steuben
Madison	Tioga
Onondaga	Westchester

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 2, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.75-27326 Filed 10-9-75;8:45 am]

[FDAA-489-DR]

MARYLAND

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on October 4, 1975, the President declared a major disaster as follows:

"I have determined that the damage in certain areas of the State of Maryland resulting from severe storms, heavy rains, and flooding beginning about September 22, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Maryland."

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Arthur T. Doyle, HUD Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Maryland to have been adversely affected by this declared major disaster:

The Counties of:

Anne Arundel	Frederick
Baltimore	Howard
Carroll	Montgomery
Cecil	Prince Georges
Charles	Washington

The City of:

Baltimore.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 4, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.75-27361 Filed 10-9-75;8:45 am]

ARTHUR T. DOYLE

Appointment

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974; and delegated to

me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, to administer the Disaster Relief Act of 1974 (Public Law 93-288, 88 Stat. 143), I hereby appoint Arthur T. Doyle as Federal Coordinating Officer to perform the duties specified by Section 303 of that Act for the disaster listed below, effective September 28, 1975:

State, disaster number and declaration date:
West Virginia: Vice Norman Steinlauf, appointed September 12, 1975 (40 F.R. 43265, September 19, 1975). No. 481. September 12, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 2, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.75-27362 Filed 10-9-75;8:45 am]

Federal Insurance Administration

[Docket No. N-75-376]

NATIONAL FLOOD INSURANCE PROGRAM

Flood-Prone Areas of Communities Subject to Prohibition of Federal and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and up-dates the list published in the Federal Register at 40 F.R. 41676-41728.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 U.S.C. §§ 4001-4128).

The prohibition does not apply to any loan made by a federally-supervised, approved, insured, or regulated lending institution made prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

Each of the communities listed below received notice of its designation as flood-prone prior to November 1, 1974, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone

nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St. SW., Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR § 1914.4 List of eligible communities. At that time the sanctions of Section 202 will no longer apply to the communities listed below.

Community name	County name	Identification date
ALABAMA		
Autaugaville, town of	Marion	Oct. 18, 1974
Avon, town of	Randolph	Sept. 13, 1974
Beik, town of	Autauga	June 7, 1974
Brantley, town of	Houston	Sept. 29, 1974
Cardiff, town of	Fayette	Sept. 13, 1974
Collinsville, town of	Crenshaw	June 28, 1974
Cottonwood, town of	Jefferson	Sept. 30, 1974
Cowarts, town of	De Kalb	May 17, 1974
Dorier, town of	Houston	Do.
Dorier, town of	do.	Aug. 16, 1974
Fayette, city of	Crenshaw	Sept. 20, 1974
Gadsden, city of	Fayette	May 3, 1974
Glen, town of	Etowa	Mar. 8, 1974
Greenwood, town of	Covington	June 7, 1974
Gordon, town of	Crenshaw	Sept. 20, 1974
Madrid, town of	Houston	Oct. 23, 1974
Providence, town of	do.	Aug. 23, 1974
River Falls, town of	Marengo	Dec. 17, 1973
Silver Hill, town of	Covington	Sept. 20, 1974
Taylor, town of	Baldwin	June 28, 1974
Total 21	Houston	Sept. 13, 1974
ALASKA		
Hoonah, city of	Lynn Canal-ley	June 7, 1974
Hooper Bay, city of	Wade Hampton	June 28, 1974
Total 2	Borough	
ARIZONA		
Mammoth, town of	Pinal	Dec. 7, 1973
Parker, town of	Yuma	May 17, 1974
Suprise, town of	Maricopa	June 28, 1974
Total 3		
ARKANSAS		
Alpena, town of	Boone	Aug. 20, 1974
Amagon, town of	Jackson	Aug. 9, 1974
Beebe, city of	White	Mar. 8, 1974
Buckner, city of	Lafayette	Oct. 25, 1974
Carthage, city of	Dallas	Mar. 8, 1974
Everton, town of	Boone	Aug. 30, 1974
Foreman, city of	Little River	Mar. 1, 1974
Foreman, town of	White	Aug. 30, 1974
Greenland, town of	Washington	June 28, 1974
Greenway, town of	Clay	Aug. 30, 1974
Havana, city of	Yell	Aug. 23, 1974
Hughson, town of	White	Aug. 16, 1974
Imboden, town of	Lawrence	May 3, 1974
Kennett, city of	White	Oct. 12, 1973
Mountain, town of	Sebastian	Aug. 16, 1974
Mountainburg, town of	Crawford	May 3, 1974
Parkdale, city of	Ashley	Mar. 29, 1974
Rison, city of	Cleveland	Mar. 8, 1974
Waldo, city of	Columbia	Apr. 5, 1974
Winchester, town of	Drew	Aug. 30, 1974
Total 30		

Community name	County name	Identification date
CALIFORNIA		
Butte County		Sept. 6, 1974
Calipatria, city of	Imperial	Apr. 12, 1974
Carmel-by-the-Sea, city	Monterey	June 14, 1974
Coachella, city of	Riverside	May 17, 1974
Cohasset, city of	Los Angeles	Oct. 23, 1974
Commerce, city of	Los Angeles	June 28, 1974
El Dorado County		Aug. 2, 1974
Exeter, city of	Tulare	Mar. 8, 1974
Fresno, city of	Fresno	Oct. 18, 1974
Grass Valley, city of	Nevada	May 17, 1974
Hughson, city of	Stanislaus	May 24, 1974
Imperial, city of	Fresno	May 17, 1974
Indio, city of	Riverside	May 31, 1974
Maricopa, city of	Kern	June 14, 1974
Monterey, city of	Monterey	Oct. 18, 1974
Palmdale, city of	Los Angeles	Do.
Point Arena, city of	Mendocino	Oct. 18, 1974
Selma, city of	Fresno	May 24, 1974
Sonoma, city of	Tuolumne	May 21, 1974
Sutter County		Oct. 25, 1974
Total 16		
COLORADO		
Boone, town of	Pueblo	Sept. 6, 1974
Crook, town of	Logan	Oct. 8, 1974
Deer Trail, town of	Arapahoe	Oct. 29, 1974
Dinosaur, town of	Moffat	Aug. 30, 1974
Dove Creek, town of	Dolores	May 24, 1974
Elizabeth, town of	Elbert	Sept. 6, 1974
Fraser, town of	Grand	Do.
Grand Junction, city of	Mea	Feb. 1, 1974
Hatch, town of	Delta	June 21, 1974
Ignacio, town of	La Plata	Mar. 22, 1974
Kiowa, town of	Elbert	Sept. 6, 1974
Leadville, city of	Lake	May 17, 1974
Nucha, town of	Washington	May 24, 1974
Otis, town of	Do.	Do.
Ramah, town of	El Paso	Sept. 13, 1974
Rifle, city of	Garfield	Jan. 15, 1975
Siltia, town of	Elbert	Sept. 13, 1974
Starkville, town of	Las Animas	Sept. 6, 1974
Yampa, town of	Routt	May 24, 1974
Total 19		
CONNECTICUT		
Danieldon, borough of	Windham	Jan. 24, 1974
Total 1		
DELAWARE		
Kenton, town of	Kent	Sept. 13, 1974
Leipside, town of	do.	Aug. 9, 1974
Milville, town of	Sussex	Oct. 18, 1974
Total 3		
FLORIDA		
Belle Glade, city of	Palm Beach	July 19, 1974
Big Alligator Lake, town of	Columbia	Sept. 6, 1974
Briny Breezes, town of	Palm Beach	Jan. 23, 1974
Brookline, town of	Bradford	Aug. 30, 1974
Callahan, city of	Nassau	July 19, 1974
Campbellton, city of	Jackson	Sept. 6, 1974
Grand Ridge, town of	do.	Aug. 2, 1974
Haverhill, town of	Palm Beach	June 28, 1974
North Davenport, city of	Polk	Do.
Ocean Breeze, town of	Martin	Aug. 2, 1974
Parkland, town of	Broward	Aug. 30, 1974
Susans, town of	Jackson	Aug. 2, 1974
West Dundee, city of	Polk	Do.
Westville, town of	Holmes	Sept. 6, 1974
Wewahatcha, town of	Gulf	Aug. 9, 1974
White Springs, town of	Hamilton	Jan. 16, 1974
Wildwood, town of	Sumter	Jan. 23, 1974
Total 17		
GEORGIA		
Adairsville, town of	Clarke	Apr. 12, 1974
Argyle, town of	Newton	Do.
Baldwin, town of	Bartow	June 14, 1974
Clarksville, city of	Citich	Aug. 30, 1974
Crawford, city of	Banks	June 28, 1974
Dahlonega, city of	Habersham	June 21, 1974
Dunth, city of	Oglethorpe	June 7, 1974
Flowers Branch, town	Lumpkin	June 28, 1974
Glard, town of	Gwinnett	May 24, 1974
Hampton, city of	Hall	Oct. 25, 1974
Heles, city of	Burke	June 2, 1974
Hiram, city of	Henry	June 28, 1974
Jefferson, city of	White	Sept. 6, 1974
Jonesboro, city of	Paulding	Oct. 18, 1974
Ludowici, city of	Jackson	June 28, 1974
Mountain View, city of	Clayton	May 24, 1974
Newington, town of	Long	June 14, 1974
Rocky Ford, town of	Clayton	May 10, 1974
Scotland, city of	Screven	Sept. 6, 1974
Stone Mountain, city of	Screven	Sept. 6, 1974
Vernonburg, town of	Telfair and	Aug. 30, 1974
Young Harris, town of	Whelan	May 12, 1974
Total 24	Chatham	Jan. 15, 1975
	Towns	June 14, 1974

Community name	County name	Identification date
IDAHO		
Challis, city of	Custer	June 28, 1974
Chatcolet, city of	Benewah	Sept. 13, 1974
Connell, city of	Adams	May 3, 1974
Declo, city of	Cassia	Sept. 6, 1974
Ferdinand, city of	Idaho	Do.
Fernan Lake, city of	Kootenai	Do.
Garden City, city of	Ada	Dec. 17, 1973
Harrison, city of	Kootenai	Mar. 22, 1974
Hayden Lake, city of	do.	Sept. 6, 1974
Kendrick, city of	Latah and Nez	Oct. 18, 1974
	Perce	
Oakley, town of	Cassia	Do.
Parna, city of	Canyon	May 17, 1974
Shoshone, city of	Lincoln	June 28, 1974
Victor, city of	Teton	Sept. 6, 1974
White Bird, city of	Idaho	Sept. 13, 1974
Worley, city of	Kootenai	Sept. 6, 1974
Total 16		
ILLINOIS		
Altamont, city of	Effingham	June 14, 1974*
Anna, city of	Union	Mar. 22, 1974
Atwood, village of	Platt	Nov. 23, 1973
Avon, village of	Fulton	Oct. 18, 1974
Baumer, village of	do.	Dec. 28, 1973
Bardolph, village of	McDonough	Sept. 13, 1974
Bath, village of	Scott	Dec. 17, 1973
Bluffs, village of	Clinton	June 7, 1974
Breese, city of	Macon	Do.
Brookport, city of	Williamson	Mar. 29, 1974
Bush, village of	McDonough	June 7, 1974
Bushnell, city of	Douglas	Apr. 5, 1974
Camaro, village of	Greene	June 7, 1974
Carrollton, city of	Clark	June 28, 1974
Casey, city of	DeWitt	May 24, 1974
Clinton, city of	Tazewell	Mar. 1, 1974
Creve Coeur, village of	Livingston	Feb. 22, 1974
Cullom, village of	Iroquois	Sept. 13, 1974
Danforth, village of	Jackson	Apr. 6, 1974
De Soto, village of	Tazewell	June 28, 1974
Deer Creek, village of	Platt	Aug. 23, 1974
Deland, village of	Union	Mar. 8, 1974
Dongola, village of	Macomb	July 19, 1974
E. Gillespie, village of	Madison	Apr. 6, 1974
Edwardsville, city of	Greene	Dec. 17, 1973
Eldred, village of	Fulton	Mar. 22, 1974
Ellisville, village of	St. Clair	Feb. 22, 1974
Fayetteville, village of	Pike	Dec. 17, 1973
Florence, village of	St. Clair	Mar. 22, 1974
Freeburg, village of	Henry	June 14, 1974
Galva, city of	DeKalb	Mar. 1, 1974
Genoa, city of	Clinton	Mar. 29, 1974
Germantown, village of	Ford	Do.
Gilson City, city of	Kane	Sept. 6, 1974
Gilbert, village of	Adams	June 7, 1974
Golden, village of	Green	Feb. 22, 1974
Greenfield, city of	Platt	June 14, 1974
Hammond, village of	Kane	May 3, 1974
Hampshire, village of	Maclean	Apr. 6, 1974
Havana, city of	McLean	June 14, 1974
Heyworth, village of	DeKalb	Mar. 1, 1974
Hickley, village of	Jefferson	Aug. 16, 1974
Ina, village of	Lake	Aug. 23, 1974
Indian Creek, village of	Jersey	June 7, 1974
Jerseyville, city of	Massac	Nov. 23, 1973
Joppa, village of	Marshall	Nov. 30, 1973
Lacon, city of	Lake	Feb. 1, 1974
Lake Bluff, village of	Marshall	Oct. 25, 1974
Larose, village of	Ogle	Nov. 23, 1973
Lea River, village of	McLean	June 28, 1974
Lexington, city of	Cook	June 21, 1974
Lincolnwood, village of	Madison	Mar. 22, 1974
Livingston, village of	Lake	Oct. 18, 1974
London Mills, village of	Jackson	Aug. 23, 1974
Mahanda, village of	DeKalb	June 7, 1974
Malta, village of	Tazewell	Mar. 8, 1974
Marquette Heights, city of	Clark	Nov. 23, 1973
Martinsville, city of	White	Jan. 6, 1974
Mazon, village of	Grundy	Oct. 18, 1974
Menasha, village of	Putnam	Sept. 13, 1974
Mettawa, village of	Lake	Oct. 18, 1974
Mill Shoals, village of	White	July 13, 1974
Montrose, village of	Effingham	Aug. 23, 1974
Mount Sterling, city of	Brown	Sept. 20, 1974
Nash, city of	Jefferson	Aug. 16, 1974
Nela, village of	Pike	Dec. 28, 1973
New Baden, village of	Clinton	May 24, 1974
New Canton, town of	Pike	Aug. 16, 1974
Newton, city of	Jasper	Dec. 17, 1973
Niantic, village of	Macou	Mar. 1, 1974
Nukorok, city of	Montgomery	Mar. 29, 1974
Osella, city of	Knob	June 7, 1974
Oranville, village of	Stephenson	Aug. 16, 1974
Palatine, town of	Crawford	Nov. 23, 1973
Park City, village of	Lake	Mar. 1, 1974
Pearl, village of	Pike	Dec. 28, 1973
Pecatonica, village of	Winnebago	Apr. 5, 1974

Community name	County name	Identification date
Pleasant Plains, village of	Sangamon	Mar. 22, 1974
Pontoon, village of	Hancock	Jan. 16, 1974
Ridgely, village of	Stephenson	Dec. 17, 1973
Riverton, village of	Sangamon	Nov. 16, 1973
Rushville, city of	Schuyler	Mar. 1, 1974
Sheridan, Village of	LaSalle	Apr. 12, 1974
Silver, City of	Rock Island	May 31, 1974
Smithton, Village of	St. Clair	Mar. 29, 1974
South Jacksonville, city of	Morgan	Do.
Spartan, village of	Marshall	Nov. 23, 1973
Springfield, city of	Sangamon	June 7, 1974
St. Francisville, village of	Lawrence	Mar. 29, 1974
Steward, village of	Lee	Sept. 13, 1974
Stonefort, village of	Saline	Aug. 30, 1974
Summerfield, village of	St. Clair	May 3, 1974
Sumner, city of	Lawrence	Mar. 1, 1974
Tallula, village of	Menard	Mar. 29, 1974
Tammis, village of	Alexander	May 10, 1974
Thayer, village of	Sangamon	Mar. 22, 1974
Timber Lake, village of	Lake	Sept. 6, 1974
Timewell, village of	Brown	Sept. 30, 1974
Tuscola, city of	Douglas	Nov. 20, 1973
Valley city, village of	Pike	Dec. 17, 1973
Waltonville, village of	Jefferson	Aug. 28, 1974
Wanna, city of	Clinton	June 28, 1974
White Hall, city of	Greene	Apr. 5, 1974
Yates city, village of	Knox	June 14, 1974

Total 105.

INDIANA

Advance, town of	Carroll	Oct. 18, 1974
Albion, town of	Boone	Sept. 20, 1974
Alton, town of	Noble	June 7, 1974
Andrews, town of	Crawford	Jan. 23, 1974
Aradica, town of	Huntington	June 7, 1974
Austin, city of	Hamilton	Feb. 1, 1974
Battle Ground, city of	Scott	Nov. 23, 1973
Bloomfield, town of	Tippecanoe	May 24, 1974
Boonville, city of	Greene	Nov. 23, 1973
Brooklyn, town of	Warwick	Dec. 28, 1973
Brownsville, town of	Morgan	Dec. 7, 1973
Brownstown, town of	Hendricks	Nov. 23, 1973
Burlington, town of	Jackson	Do.
Camden, town of	Carroll	Do.
Cayuga, town of	do	Do.
Cedar Grove, town of	Vermillion	May 31, 1974
Chandler, town of	Franklin	Dec. 7, 1973
Charlestown, city of	Warwick	Jan. 9, 1974
Converse, town of	Clark	Apr. 12, 1974
Eaton, town of	Miami	May 17, 1974
Edwardsport, town of	Delaware	Nov. 23, 1973
English, town of	Knox	Apr. 12, 1974
Fairview Park, town of	Crawford	Sept. 20, 1974
Fountain City, city of	Vermillion	May 10, 1974
French Lick, town of	Way	Feb. 1, 1974
Gosport, town of	Orange	Nov. 23, 1973
Hamilton, town of	Steuben	Sept. 6, 1974
Hamlet, city of	Stark	June 21, 1974
Hartford City, city of	Blackford	Nov. 23, 1973
Hazleton, town of	Gibson	Do.
Hillsboro, town of	Pontiac	Feb. 1, 1974
Hudson, town of	Stenben	July 19, 1974
Indian Village, town of	St. Joseph	Oct. 18, 1974
Judson, town of	Parke	Dec. 17, 1973
Kentland, town of	Newton	May 24, 1974
Knightstown, town of	Henry	Nov. 30, 1973
Ladoga, town of	Montgomery	May 24, 1974
Leavenworth, town of	Crawford	Nov. 30, 1973
Lewistown, town of	Henry	Sept. 20, 1974
Livonia, town of	Washington	Oct. 18, 1974
Marion, town of	Crawford	Feb. 1, 1974
Mecca, town of	Parke	Jan. 23, 1974
Medora, town of	Jackson	Nov. 30, 1973
Mellott, town of	Crawford and Harrison	Nov. 30, 1973
Montpelier, town of	Blackford	Dec. 7, 1973
Morganstown, town of	Morgan	Sept. 20, 1974
New Palestine, town of	Hancock	Nov. 30, 1973
New Ross, town of	Montgomery	Oct. 18, 1974
Newberry, town of	Greene	Feb. 1, 1974
Newport, town of	Vermillion	May 31, 1974
Oakland City, city of	Gibson	May 30, 1974
Ogden Dunes, town of	Porter	May 31, 1974
Orland, town of	Steuben	Do.
Orleans, town of	Orange	Do.
Osceola, town of	St. Joseph	Dec. 17, 1973
Paoli, town of	Orange	Nov. 23, 1973
Paragon, town of	Morgan	Feb. 1, 1974
Patoka, town of	Gibson	Nov. 23, 1973
Perryville, town of	Vermillion	Do.
Plainfield, town of	Hendricks	Feb. 1, 1974
Remington, town of	Jasper	May 31, 1974
Riley, town of	Vigo	Feb. 1, 1974
Rosko, town of	Huntington	Dec. 28, 1973
Rochester, city of	Fulton	Feb. 15, 1974
Rosedale, town of	Parke	Nov. 30, 1973
Russellville, town of	Pottawam	Sept. 20, 1974
Schneider, town of	Lake	Dec. 17, 1973
Spencerville, town of	De Kalb	Feb. 15, 1974

Community name	County name	Identification date
Spring Lake Park, town of	Hancock	Feb. 1, 1974
Springport, town of	Henry	Do.
Stinesville, town of	Monroe	Do.
Sulphur Springs, town of	Henry	Do.
Tennysen, town of	Warwick	Feb. 1, 1974
Tipton, city of	Tipton	Dec. 28, 1973
Troy, town of	Perry	May 31, 1974
Universal, town of	Vermillion	Feb. 1, 1974
Wabash, city of	Wabash	June 7, 1974
Waynetown, town of	Montgomery	May 31, 1974
West Baden Springs, town of	Orange	Dec. 28, 1973
Williamsport, town of	Warren	Dec. 17, 1973
Winona Lake, town of	Kosciusko	May 3, 1974
Winslow, town of	Pike	Dec. 17, 1973

Total 83.

IOWA

Alden, town of	Hardin	June 21, 1974
Alford, town of	Lyon	Sept. 13, 1974
Anthony, town of	Woodbury	Jan. 23, 1974
Arlon, town of	Crawford	Sept. 6, 1974
Belmond, city of	Wright	May 3, 1974
Bonaparte, city of	Van Buren	Jan. 9, 1974
Cascade, city of	Dubuque and Jones	Dec. 17, 1973
Columbus Junction, city of	Louisa	Jan. 9, 1974
Deloit, town of	Crawford	Aug. 30, 1974
Donnellson, town of	Lee	May 10, 1974
Dow City, town of	Crawford	May 31, 1974
Dows, Town of	Franklin and Wright	Apr. 21, 1974
Eddyville, town of	Wapello and Mahaska and Monroe	June 28, 1974
Eldon, town of	Wapello	Dec. 17, 1973
Fredericksburg, town of	Chickasaw	May 3, 1974
Gowrie, town of	Webster	June 28, 1974
Granger, town of	Dallas	Mar. 22, 1974
Green Island, town of	Jackson	Oct. 26, 1974
Hancock, town of	Pottawattamie	Aug. 30, 1974
Hinton, town of	Plymouth	Sept. 6, 1974
Indianola, city of	Warren	June 7, 1974
Janesville, town of	Black Hawk and Bremer	Dec. 28, 1973
Kellerg, town of	Jasper	June 21, 1974
Linn Grove, town of	Buena Vista	Aug. 16, 1974
Little Sioux, town of	Harrison	Oct. 26, 1974
Littleport, town of	Clayton	Aug. 23, 1974
Lansing, town of	Allamakee	Dec. 31, 1971
Mapoketa, city of	Jackson	June 28, 1974
Modale, town of	Harrison	Oct. 18, 1974
New Allin, town of	Allamakee	May 17, 1974
North Buena Vista, town of	Clayton	Oct. 28, 1974
Oelwein, city of	Fayette	July 26, 1974
Olin, town of	Jones	Aug. 30, 1974
Oto, town of	Woodbury	Sept. 13, 1974
Oxford, town of	Johnson	May 10, 1974
Salix, town of	Woodbury	Oct. 18, 1974
Sheldahl, town of	Franklin	June 28, 1974
Shigourney, city of	Keokuk	Mar. 15, 1974
Stanwood, town of	Cedar	Aug. 9, 1974
Wapello, city of	Louisa	Jan. 10, 1974
West Branch, city of	Cedar	Mar. 1, 1974
What Cheer, city of	Keokuk	June 28, 1974
Wheatland, town of	Clinton	June 28, 1974
Zealand, town of	Story	July 19, 1974

Total 44.

KANSAS

Minneola, city of	Clark	Feb. 8, 1974
Auburn, city of	Shawnee	Oct. 25, 1974
Belleville, city of	Republic	Feb. 15, 1974
Burrton, city of	Harvey	Mar. 15, 1974
Caney, city of	Montgomery	Feb. 15, 1974
Osage City, city of	Osage	Mar. 1, 1974
Della, city of	Jackson	Aug. 30, 1974
Edgerton, city of	Johnson	Mar. 8, 1974
Elkhart, city of	Morton	May 24, 1974
Eureka, city of	Greenwood	Apr. 12, 1974
Frankfort, city of	Marshall	Jan. 23, 1974
Grandview Plaza, city of	Geary	Feb. 1, 1974
Holton, city of	Jackson	Feb. 22, 1974
La Cygne, city of	Linn	Mar. 15, 1974
Laurens, city of	Leavenworth	Aug. 23, 1974
Leroy, city of	Coffey	Dec. 28, 1973
Logan, city of	Phillips	July 19, 1974
Louisburg, city of	Miami	Mar. 1, 1974
Mound City, city of	Linn	Do.
Nortonville, city of	Jefferson	Do.
Oskaloosa, city of	do	May 24, 1974
Pawnee Rock, city of	Barton	Jan. 10, 1974
Pomona, city of	Franklin	Feb. 8, 1974
Riley, city of	Riley	Feb. 15, 1974
Roseland Park, city of	Johnson	May 31, 1974
Russell, city of	Russell	Feb. 8, 1974
Westmoreland, city of	Pottawatomie	Mar. 8, 1974

Total 27.

Community name	County name	Identification date
KENTUCKY		
Anderson	Anderson	Oct. 18, 1974
Carlisle	Do.	Do.
Garrard	Do.	Do.
Hardin	Do.	Do.
Henry	Do.	Do.
Hopkins	Do.	Do.
Owen	Do.	Do.
Shelby	Do.	Do.
Taylor	Do.	Do.
Floyd	Do.	Jan. 23, 1974
Arlington, town of	Carlisle	May 17, 1974
Bardwell, town of	do	Do.
Berry, town of	Harrison	Aug. 16, 1974
Booneville, city of	Owsley	Feb. 1, 1974
Bradfordville, city of	Marion	May 10, 1974
Brookhead, city of	Rock Castle	May 17, 1974
Calhoun, town of	McLean	Feb. 1, 1974
Campbellsville, city of	Taylor	May 24, 1974
Clay City, city of	Powell	Feb. 1, 1974
Clay, city of	Webster	Do.
Clinton, town of	Hickman	May 17, 1974
Corbin, city of	Whitley	June 14, 1974
Crab Orchard, town of	Lane	Do.
Dover, town of	Mason	Aug. 2, 1974
Falmouth, city of	Pendleton	May 24, 1974
Florence, town of	Boone	Feb. 1, 1974
Fort Thomas, City of	Campbell	Jan. 23, 1974
Ghent, town of	Carroll	Jan. 16, 1974
Glencoe, city of	Gallatin	Feb. 1, 1974
Greenup, town of	Greenup	July 23, 1974
Hardin, city of	Marshall	June 14, 1974
Hardin, town of	do	May 10, 1974
Harrodsburg, city of	Mercer	Do.
Hazel, town of	Calloway	Aug. 9, 1974
Hickman, city of	Fulton	June 28, 1974
Hyden, city of	Leslie	May 24, 1974
Jenkins, city of	Letcher	June 7, 1974
Lebanon Junction, city of	Bullitt	Mar. 15, 1974
Leitchfield, town of	Grayson	May 10, 1974
Martin, town of	Floyd	May 24, 1974
McHenry, town of	Ohio	Oct. 25, 1974
Millersburg, city of	Bourbon	May 10, 1974
Morgantown, town of	Butler	Feb. 1, 1974
Neon, town of	Letcher	Mar. 24, 1974
Petersburg, town of	Boone	Jan. 23, 1974
Prestonsville, town of	Carroll	Aug. 16, 1974
Raceland, town of	Greenup	Feb. 8, 1974
Rochester, town of	Butler	Feb. 1, 1974
Rockport, town of	Ohio	Do.
Sanders, town of	Carroll	Jan. 23, 1974
Shepherdsville, city of	Bullitt	May 24, 1974
Slaughters, city of	Webster	Aug. 16, 1974
Smithland, town of	Livingston	Feb. 1, 1974
Sparta, city of	Gallatin	Do.
Uniontown, town of	Union	May 17, 1974
Vico, city of	Perry	May 10, 1974
Vine Grove, city of	Hardin	May 17, 1974
Wassaw, town of	Kenton	Jan. 23, 1974
Wassaw, city of	Gallatin	Feb. 1, 1974
Wayland, town of	Floyd	Aug. 23, 1974
West Croft, town of	Webster	Feb. 15, 1974
Winston Park, town of	Kenton	Jan. 23, 1974
Woodbury, town of	Butler	Feb. 1, 1974
Worthville, town of	Carroll	Jan. 23, 1974

Total 64.

LOUISIANA

Albany, village of	Livingston Parish	Apr. 12, 1974
Basile, town of	Evangeliste Parish	May 24, 1974
Boyce, town of	Rapides Parish	Apr. 5, 1974
Clarence, village of	Natchitoches Parish	Mar. 1, 1974
Doyle, village of	Webster Parish	Apr. 5, 1974
Duson, town of	Lafayette Parish	Do.
French Settlement, village of	Livingston Parish	Oct. 25, 1974
Mermentau, town of	Acadia Parish	Nov. 23, 1973
Morse, town of	do	Do.
Oberlin, city of	Allen Parish	June 21, 1974
Pearl River, town of	St. Tammany Parish	May 24, 1974
Ringgold, town of	Blenville Parish	May 3, 1974
Roseland, town of	Tangipahoa Parish	Nov. 28, 1973
Sicily Island village of	Catahoula Parish	Dec. 28, 1973
Springfield, town of	Livingston Parish	Aug. 23, 1974
Stirlington, town of	Cunehita Parish	Dec. 17, 1973
Sun, village of	St. Tammany Parish	Aug. 30, 1974
Turkey Creek, village of	Evangeliste Parish	Do.
Varnado, village of	Washington Parish	Oct. 25, 1974
Ville Platte, town of	Evangeliste Parish	May 17, 1974

Total 20.

Community name	County name	Identification date	Community name	County name	Identification date	Community name	County name	Identification date
MAINE								
Berwick, town of	York	Aug. 9, 1974	Comstock, city of		Sept. 6, 1974	Watkins, city of	Meeker	Apr. 12, 1974
Bucksport, town of	Hancock	Oct. 18, 1974	Cosmos, city of	Meeker	May 17, 1974	Welcome, city of	Martin	May 10, 1974
Burnham, town of	Waldo	July 26, 1974	Courtland, city of	Micoulet	July 19, 1974	Winston, city of	St. Louis	Aug. 2, 1974
Buxton, town of	York	Apr. 6, 1974	Currie, city of	Murray	Aug. 2, 1974	Wolverton, city of	Wilkin	Aug. 9, 1974
Dayton, town of	do	June 28, 1974	Cyrus, city of	Pope	Aug. 9, 1974	Woodbury, city of	Washington	May 31, 1974
Dresden, town of	Lincoln	Sept. 20, 1974	Danube, city of	Renville	Sept. 20, 1974	Wright, city of	Carlton	Sept. 13, 1974
Easton, town of	Aroostook	Oct. 18, 1974	Danvers, city of	Swift	Aug. 9, 1974	Total 127.		
Frenchville, town of	do	Sept. 20, 1974	Deer Creek, city of	Otter Tail	Aug. 16, 1974	MISSISSIPPI		
Limington, town of	York	May 31, 1974	Degrass, city of	Swift	Aug. 9, 1974	Braxton, village of	Simpson	July 10, 1974
Minot, town of	Androscoggin	Feb. 1, 1974	Delavan, city of	Fairbault	Aug. 16, 1974	Duncan, town of	Bolivar	June 21, 1974
Parsonfield, town of	York	June 28, 1974	Delhi, city of	Redwood	Oct. 25, 1974	Eden, village of	Yazoo	July 19, 1974
Pembroke, town of	Washington	Oct. 18, 1974	Dundas, city of	Rice	Do	Gattman, village of	Monroe	Do
Peru, town of	Oxford	Do	Eden Valley, city of	Stearns	May 3, 1974	Georgetown, town of	Copiah	Aug. 2, 1974
Phillips, town of	Franklin	June 14, 1974	Elisworth, city of	Nobles	Do	Hickory Flat, town of	Benton	Oct. 25, 1974
Sabbatus, town of	Androscoggin	May 31, 1974	Elmdale, city of	Morrison	Aug. 9, 1974	Lake, town of	Scott	July 19, 1974
Washington, town of	Knox	Sept. 6, 1974	Elmore, city of	Fairbault	May 14, 1974	Lena, town of	Leake	Oct. 25, 1974
Wells, town of	York	Oct. 18, 1974	Erhard, city of	Otter Tail	Aug. 9, 1974	Puckett, town of	Rankin	Aug. 23, 1974
Whitefield, town of	Lincoln	July 26, 1974	Eveleth, city of	St. Louis	June 7, 1974	Sallis, village of	Attala	Aug. 9, 1974
Total 18.			Eyota, city of	Olmstead	Apr. 12, 1974	Schlater, town of	Leflore	Aug. 23, 1974
MARYLAND			Fairfax, city of	Renville	Mar. 29, 1974	Shubuta, town of	Clarke	June 7, 1974
Queen Anne, town of	Queen Anne's	Aug. 9, 1974	Farmont, city of	Martin	June 7, 1974	Walnut Grove, town of	Leake	June 28, 1974
Total 1.			Fifty Lakes, city of	Crow Wing	Oct. 18, 1974	Winstonville, town of	Bolivar	July 19, 1974
MASSACHUSETTS			Fisher, city of	Polk	Aug. 2, 1974	Total 14.		
Acushnet, town of	Bristol	Sept. 8, 1974	Geneva, city of	Greenbush	Sept. 6, 1974	MISSOURI		
Ashfield, town of	Franklin	June 28, 1974	Gibson, city of	Sibley	June 21, 1974	Amazonia, town of	Andrew	Aug. 16, 1974
Avon, town of	Norfolk	June 21, 1974	Goodhue, city of	Stearns	May 3, 1974	Anderson, city of	McDonald	May 17, 1974
Blandford, town of	Hampden	July 26, 1974	Graceville, city of	Goodhue	May 24, 1974	Anniston, town of	Mississippi	May 3, 1974
Bridgewater, town of	Plymouth	July 19, 1974	Granada, city of	Big Stone	May 17, 1974	Ardhite, town of	Cass	June 7, 1974
Brimfield, town of	Hampden	Do	Greenwald, city of	Martin	Aug. 2, 1974	Ava, city of	Douglas	May 17, 1974
Brookfield, town of	Worcester	May 3, 1974	Hackensack, city of	Stearns	Aug. 23, 1974	Bel Nor, village of	St. Louis	Apr. 5, 1974
Cazelle, town of	Middlesex	Aug. 16, 1974	Harris, city of	Cass	Sept. 20, 1974	Bell City, city of	Stoddard	Oct. 18, 1974
Chester, town of	Hampden	July 19, 1974	Hemming, city of	Otter Tail	May 3, 1974	Bland, city of	Gaillard	May 17, 1974
Clinton, town of	Worcester	Aug. 9, 1974	Hills, city of	Rock	Apr. 12, 1974	Brunswick, town of	Charlton	Mar. 29, 1974
Conway, town of	Franklin	Aug. 2, 1974	Holdingford, city of	Stearns	May 17, 1974	Buckner, town of	Jackson	Dec. 28, 1973
Deerfield, town of	do	Sept. 13, 1974	Holland, city of	Pipestone	Aug. 30, 1974	Bunker, town of	Reynolds	Sept. 6, 1974
Dover, town of	Norfolk	Sept. 20, 1974	Hollandale, city of	Freeborn	Sept. 20, 1974	California, city of	Moniteau	Apr. 3, 1974
East Hampton, town of	Hampshire	June 21, 1974	Holloway, city of	Swift	Sept. 6, 1974	Campbell, city of	Dunklin	Mar. 29, 1974
Erving, town of	Franklin	June 28, 1974	Humboldt, city of	Clifton	Aug. 9, 1974	Cari Junction, city of	Jasper	Feb. 8, 1974
Granville, town of	Hampden	Aug. 30, 1974	Ilhien, city of	Pipestone	Aug. 2, 1974	Carterville, town of	Jasper	Dec. 28, 1973
Grafton, town of	Middlesex	Sept. 6, 1974	International Falls, city of	Koochiching	June 7, 1974	Center, town of	Ralls	July 26, 1974
Holliston, town of	do	Aug. 2, 1974	Iron Junction, city of	St. Louis	Oct. 25, 1974	Cole Camp, city of	Benton	June 14, 1974
Hopkinton, town of	do	July 19, 1974	Jenkins, city of	Crow Wing	Aug. 23, 1974	Conway, town of	Laclede	May 10, 1974
Hubbardston, town of	Worcester	Apr. 5, 1974	Kewatin, city of	Itasca	May 3, 1974	Crane, city of	Stone	June 7, 1974
Maynard, town of	do	July 26, 1974	Kenyon, city of	Goodhue	May 24, 1974	Dewitt, city of	Carroll	Sept. 6, 1974
Mendon, town of	Worcester	Sept. 6, 1974	Kiester, city of	Fairbault	May 10, 1974	Duenweg, city of	Jasper	May 3, 1974
Mills, town of	Norfolk	July 19, 1974	La Prairie, city of	Itasca	Aug. 23, 1974	Edina, city of	Knox	Dec. 17, 1973
New Braintree, town of	Worcester	Sept. 20, 1974	Lake Shore, city of	Cass	Sept. 13, 1974	Ellisville, city of	Carter	Oct. 18, 1974
North Brookfield, town of	do	June 21, 1974	Madison, city of	Watsonwan	Apr. 12, 1974	Essex, town of	Reynolds	Sept. 6, 1974
Oakham, town of	do	Aug. 2, 1974	Maple Plain, city of	Lac Qui Parle	Do	Forest City, city of	Holt	Oct. 18, 1974
Paxton, town of	do	July 26, 1974	Marietta, city of	Lac Qui Parle	Sept. 6, 1974	Fulton, city of	Callaway	May 17, 1974
Pelham, town of	Hampshire	June 28, 1974	Mayer, city of	Carver	Nov. 23, 1973	Galt, city of	Stone	Aug. 30, 1974
Petersham, town of	Worcester	Sept. 13, 1974	Mazepa, city of	Wabasha	July 19, 1974	Greenville, city of	Wayne	Jan. 18, 1974
Princeton, town of	do	Aug. 30, 1974	Menasha, city of	Wadena	Apr. 12, 1974	Hardin, city of	Ray	June 7, 1974
Rosley, town of	Essex	July 26, 1974	Mendota Heights, city	Dakota	Nov. 23, 1973	Memphis, city of	Marshall	Dec. 31, 1973
Spencer, town of	Worcester	Sept. 13, 1974	Mendota, city of	do	Feb. 8, 1974	Hennietta, city of	Ray	Oct. 18, 1974
Snow, town of	Middlesex	Oct. 18, 1974	Middle River, city of	Marshall	July 19, 1974	Hurley, town of	Stone	Sept. 6, 1974
Townsend, town of	do	Sept. 20, 1974	Milville, city of	Dakota	Do	Kashkonoag, city of	Oregon	Dec. 28, 1973
West Boylston, town of	Worcester	July 26, 1974	Minnetonka Lake, city of	Wabasha	Aug. 2, 1974	Lamar, town of	Barton	Oct. 18, 1974
Westford, town of	Middlesex	Oct. 18, 1974	Morrisston, city of	Fairbault	May 17, 1974	Laredo, city of	Grundy	Oct. 18, 1974
Total 36.			Motley, city of	Rice	Mar. 29, 1974	Lincoln, town of	Benton	May 31, 1974
MICHIGAN			Mountain Iron, village of	Morrison	Aug. 2, 1974	Linn Creek, city of	Camden	Oct. 25, 1974
Akron, town of	Tuscola	Do	Murdoch, city of	St. Louis	Aug. 24, 1974	Luray, village of	Clark	Oct. 18, 1974
Berlin, township of	St. Clair	Aug. 23, 1974	New Munich, city of	Swift	Aug. 23, 1974	Lutesville, city of	Hollinger	May 10, 1974
Beulah, township of	Benzie	Sept. 20, 1974	New Richmond, city of	Stearns	Oct. 25, 1974	Malta Bend, city of	Saline	Oct. 18, 1974
Barton, township of	Genesee	Aug. 16, 1974	Nicollet, city of	Waseca	Oct. 12, 1974	Marble Hill, city of	Boillinger	Mar. 10, 1974
Clyde, township of	St. Clair	July 26, 1974	North Branch, city of	Nicollet	Apr. 5, 1974	Marceline, city of	Linn	Mar. 29, 1974
Hinton, township of	Macostota	Sept. 6, 1974	North Redwood, city of	Chicago	May 10, 1974	Marionville, city of	Lawrence	May 17, 1974
Lincoln, township of	Arenac	June 14, 1974	Oak Park Heights, city of	Redwood	Aug. 30, 1974	Marlborough, village of	St. Louis	May 31, 1974
Northville, city of	Wayne	Sept. 6, 1974	of	Washington	Apr. 22, 1974	Marthasville, village of	Warren	Sept. 13, 1974
Parchment, city of	Kalamazoo	May 10, 1974	Palisade, city of	Altkin	Aug. 2, 1974	Mary Ridge, village of	St. Louis	Apr. 3, 1974
Plymouth, city of	Wayne	May 17, 1974	Pease, city of	Mill Lake	Do	Meta, town of	Onaga	Sept. 13, 1974
Riverview, city of	do	May 3, 1974	Peterson, city of	Filmore	Aug. 30, 1974	Miami, city of	Saline	Oct. 18, 1974
Sumpter, township of	do	June 28, 1974	Pillager, city of	Cass	July 19, 1974	Missouri City, village of	Clay	Aug. 16, 1974
Weesaw, township of	Berrien	Do	Prinsburg, city of	Kandiyohi	Aug. 23, 1974	Naylor, city of	Ripley	Mar. 1, 1974
Total 13.			Quamba, city of	Kannabec	Aug. 9, 1974	Nelson, city of	Saline	Oct. 18, 1974
MINNESOTA			Ranier, city of	Koochiching	Do	Nixa, city of	Christian	June 28, 1974
Askov, city of	Pine	Oct. 25, 1974	Ravena, city of	Dakota	Feb. 25, 1974	Noel, town of	McDonald	May 24, 1974
Aurora, city of	St. Louis	Apr. 5, 1974	Richmond, city of	Mar. 29, 1974	Norborne, city of	Carroll	Apr. 5, 1974	
Bluffton, city of	Otter Tail	Aug. 9, 1974	Richville, city of	Otter Tail	Oct. 25, 1974	Northmoor, town of	Platte	July 19, 1974
Bowling, city of	Morrison	Oct. 25, 1974	Roscoe, city of	Stearns	Aug. 2, 1974	Osark, city of	Christian	Dec. 28, 1973
Branch, city of	Chicago	Aug. 30, 1974	Rush City, city of	Chicago	May 10, 1974	Palmira, city of	Marion	Mar. 29, 1974
Brook Park, city of	Pine	Oct. 25, 1974	Ruthton, city of	Pipestone	Aug. 9, 1974	Puxico, town of	Stoddard	Mar. 8, 1974
Brooks, city of	Red Lake	Aug. 9, 1974	Rutledge, city of	Pine	Do	Reeds Spring, city of	Stone	Oct. 18, 1974
Brownsville, city of	Houston	Oct. 18, 1974	Sacred Heart, city of	Renville	May 3, 1974	Riverview, city of	St. Louis	June 28, 1974
Brownston, city of	McLeod	May 3, 1974	Scanlon, city of	Carlton	Nov. 2, 1973	Rushville, village of	Boone	Oct. 25, 1974
Buckman, city of	Morrison	Aug. 9, 1974	Sebek, city of	Wadena	Apr. 12, 1974	Rushville, village of	Buchanan	Oct. 18, 1974
Campbell, city of	Wilkin	Aug. 2, 1974	St. Bonifacius, city of	Hennepin	June 7, 1974	Scott City, city of	Scott	Apr. 12, 1974
Chandler, city of	Murray	Aug. 9, 1974	St. Clair, city of	Blue Earth	Aug. 23, 1974	Shoal Creek Drive, town of	Newton	Aug. 16, 1974
Chokio, city of	Stevens	May 3, 1974	St. Stephen, city of	Stearns	Do	Sibley, village of	Jackson	Aug. 30, 1974
Clinton, city of	Big Stone	Sept. 20, 1974	Sturgeon Lake, city of	Pine	Oct. 25, 1974	St. Clair, town of	Franklin	Apr. 12, 1974
Clontarf, city of	Swift	July 19, 1974	Taunton, city of	Lyon	Oct. 25, 1974	Strasburg, city of	Cass	Aug. 16, 1974
Cohasset, city of	Itasca	May 31, 1974	Thomson, city of	Carlton	Aug. 2, 1974	Tusculum, village of	Miller	Oct. 25, 1974
Comfrey, city of	Brown	Sept. 20, 1974	Trosky, city of	Pipestone	Aug. 9, 1974	Versailles, city of	Morgan	Apr. 5, 1974
			Twin Lakes, city of	Freeborn	Aug. 2, 1974	Westphalia, city of	Onaga	Oct. 18, 1974
			Tyler, city of	Lincoln	May 3, 1974	Williamsville, city of	Wayne	Do
			Upsala, city of	Morrison	Oct. 25, 1974	Windsor, city of	Henry	Apr. 5, 1974
			Wanamingo, city of	Goodhue	May 10, 1974	Wyandona, city of	Clark	Oct. 18, 1974
			Verndale, city of	Wadena	Oct. 25, 1974	Zalma, village of	Boillinger	Oct. 25, 1974
			Waldorf, city of	Waseca	Aug. 9, 1974			
			Warba, city of	Itasca	Sept. 13, 1974			

Community name	County name	Identification date	Community name	County name	Identification date	Community name	County name	Identification date
MONTANA			NEW JERSEY			NEW JERSEY		
Baker, city of.....	Fallon	Mar. 15, 1974	Andubon Park, borough.....	Camden	June 21, 1974	Dobbs Ferry, village of.....	Westchester	May 17, 1974
Big Sandy, town of.....	Chouteau	Mar. 29, 1974	Logan, township of.....	Gloucester	Sept. 13, 1974	Eagle, town of.....	Wyoming	Sept. 13, 1974
Ennis, town of.....	Madison	Mar. 15, 1974	Elk, town of.....	do.	June 28, 1974	Ellington, town of.....	Chautauqua	Oct. 25, 1974
Fairview, town of.....	Richland	Aug. 16, 1974	Franklin, township of.....	Sussex	Jan. 31, 1974	Ellisburg, village of.....	Jefferson	Aug. 30, 1974
Forsyth, city of.....	Flathead	Sept. 13, 1974	Do.	Gloucester	Sept. 13, 1974	Esperanza, town of.....	Schoharie	Oct. 18, 1974
Fort Benton, city of.....	Rosebud	Mar. 8, 1974	Hampton, borough of.....	Hunterdon	July 26, 1974	Fairfield, town of.....	Herkimer	Mar. 29, 1974
Glasgow, city of.....	Chouteau	May 10, 1974	Hardy, town of.....	do.	June 7, 1974	Farmersville, town of.....	Cattaraugus	June 28, 1974
Hot Springs, town of.....	Valley	Jan. 9, 1974	Harrison, town of.....	Sussex	Sept. 6, 1974	Fenner, town of.....	Madison	Sept. 13, 1974
Kalispell, city of.....	Sanders	June 7, 1974	Jamesburg, borough of.....	Hudson	June 28, 1974	Fillmore, village of.....	Allegany	Feb. 1, 1974
Plains, town of.....	Flathead	Feb. 15, 1974	Kinnelon, borough of.....	Do.	Do.	Florence, town of.....	Oneida	Sept. 13, 1974
Stanford, town of.....	Sanders	Mar. 22, 1974	Liberty, township of.....	Morris	July 13, 1973	Forest Port, town of.....	do.	June 28, 1974
White Sulphur Springs, city of.....	Rosebud	Aug. 2, 1974	Millersville, city.....	Warren	Aug. 9, 1974	Port Ann, village of.....	Washington	Apr. 12, 1974
Total 14.	Judith Basin	June 28, 1974	North Hanover, township of.....	Cumberland	June 28, 1974	Franklin, town of.....	Franklin	May 31, 1974
NEBRASKA			South Harrison, township of.....	Burlington	June 28, 1974	Franklinville, village of.....	Cattaraugus	Do.
Arreston, town of.....	Gage	Sept. 6, 1974	Springfield, township of.....	do.	Do.	Gallatin, town of.....	Columbia	Oct. 25, 1974
Brook, village of.....	Nemaha	Aug. 16, 1974	Upper Freehold, township of.....	Burlington	July 26, 1974	Genoa, town of.....	Columbia	June 28, 1974
Clay Center, city of.....	Clay	Mar. 22, 1974	Winfield, township of.....	Monmouth	Mar. 22, 1974	Ghent, town of.....	Columbia	Mar. 29, 1974
Cook, village of.....	Johnson	Oct. 18, 1974	Wrightstown, borough of.....	Union	Mar. 8, 1974	Glen Park, village of.....	Jefferson	June 28, 1974
Elm Creek, village of.....	Buffalo	May 31, 1974	Total 19.	Burlington	June 28, 1974	Greig, town of.....	Lewis	June 28, 1974
Ewing, village of.....	Holt	May 3, 1974	NEW MEXICO			Grove, town of.....	Allegany	Do.
Fullerton, city of.....	Nance	June 7, 1974	Bayard, village of.....	Grant	Aug. 30, 1974	Hadley, town of.....	Saratoga	Sept. 13, 1974
Hay Springs, city of.....	Sheridan	Mar. 22, 1974	Chama, village of.....	Rio Arriba	Aug. 16, 1974	Harrisburg, town of.....	Lewis	Aug. 30, 1974
Ithaca, village of.....	Saunders	Oct. 18, 1974	Cimarron, village of.....	Colfax	May 17, 1974	Herkimer, town of.....	Otsego	Oct. 25, 1974
Litwood, village of.....	Butler	Oct. 25, 1974	Hurley, town of.....	Grant	June 28, 1974	Haverstraw, village of.....	Rockland	Apr. 12, 1974
Lynch, village of.....	Boyd	Nov. 8, 1974	Los Alamos County.....	do.	Oct. 25, 1974	Haverstraw, village of.....	Lewis	Sept. 13, 1974
Nemaha, village of.....	Nemaha	Aug. 30, 1974	Magdalena, village of.....	Socorro	Aug. 2, 1974	Humpley, town of.....	Cattaraugus	Aug. 30, 1974
Nickerson, village of.....	Dodge	Jan. 23, 1974	Mora County.....	do.	Aug. 9, 1974	Hunter, village of.....	Greene	Aug. 16, 1974
Oakdale, village of.....	Antelope	Dec. 28, 1973	Rio Arriba County.....	do.	Oct. 25, 1974	Independence, town of.....	Allegany	Sept. 6, 1974
Palmyra, village of.....	Otoe	Sept. 6, 1974	San Juan County.....	do.	Sept. 13, 1974	Ira, town of.....	Cayuga	July 26, 1974
Paxton, village of.....	Keith	May 24, 1974	Tatum, town of.....	Lea	June 21, 1974	Ischa, town of.....	Cattaraugus	May 31, 1974
Ponca, city of.....	Dixon	Apr. 12, 1974	Total 10.			Italy, town of.....	Yates	June 28, 1974
Raymond, village of.....	Sheridan	May 3, 1974	NEW YORK			Java, town of.....	Wyoming	Oct. 25, 1974
Rushville, city of.....	Buffalo	Mar. 22, 1974	Adams, town of.....	Jefferson	May 31, 1974	Johnstown, town of.....	Fulton	Do.
Shelton, village of.....	Franklin	Sept. 6, 1974	Alabama, town of.....	Genesee	May 3, 1974	Keseeville, village of.....	Essex	May 31, 1974
Watson, village of.....	Sannders	Oct. 18, 1974	Albion, village of.....	Orleans	Oct. 25, 1974	Kiantone, town of.....	Chautauqua	Oct. 18, 1974
Wesley, village of.....	Cuming	Dec. 7, 1973	Altamont, village of.....	do.	May 24, 1974	Lawrence, town of.....	St. Lawrence	Sept. 20, 1974
Wilder, city of.....	do.	Dec. 7, 1973	Amelia, town of.....	Dutchess	Oct. 18, 1974	Leicester, town of.....	Livingston	Oct. 18, 1974
Total 23.			Andes, village of.....	Delaware	Aug. 9, 1974	Leon, town of.....	Cattaraugus	May 31, 1974
NEVADA			Antwerp, village of.....	Jefferson	May 31, 1974	Lewis, town of.....	Lewis	June 28, 1974
Nye County.....		Oct. 18, 1974	Argyle, town of.....	Washington	Oct. 18, 1974	Litchfield, town of.....	Herkimer	Mar. 15, 1974
Total 1.			Arkwright, town of.....	Chautauqua	Do.	Little Valley, town of.....	Cattaraugus	Oct. 25, 1974
NEW HAMPSHIRE			Ava, town of.....	Oneida	June 28, 1974	Livingston, town of.....	Columbia	May 24, 1974
Acworth, town of.....	Sullivan	Sept. 13, 1974	Baldwin, town of.....	Chemung	May 31, 1974	Lorraine, town of.....	Jefferson	May 10, 1974
Andover, town of.....	Merrimack	June 28, 1974	Ballston, town of.....	Saratoga	Aug. 2, 1974	Lodi, town of.....	Seneca	July 26, 1974
Bartlett, town of.....	Carroll	Do.	Beekman, town of.....	Dutchess	Oct. 18, 1974	Lyndbrook, village of.....	Nassau	June 21, 1974
Bethlehem, town of.....	Orford	Do.	Belfast, town of.....	Clinton	Aug. 30, 1974	Lyndon, town of.....	Cattaraugus	Aug. 9, 1974
Boscawen, town of.....	Merrimack	Mar. 15, 1974	Berlin, town of.....	Allegany	Oct. 18, 1974	Lyondale, town of.....	Lewis	Aug. 16, 1974
Bristol, town of.....	Orford	June 21, 1974	Bombay, town of.....	Rensselaer	Aug. 30, 1974	Machias, town of.....	Cattaraugus	Oct. 18, 1974
Campton, town of.....	do.	Apr. 5, 1974	Boonville, town of.....	Franklin	Sept. 6, 1974	Macomb, town of.....	St. Lawrence	Sept. 13, 1974
Charlestown, town of.....	Sullivan	May 31, 1974	Bridgewater, town of.....	do.	Do.	Malta, town of.....	Saratoga	Oct. 18, 1974
Chichester, town of.....	Merrimack	Apr. 5, 1974	Brightwaters, village of.....	do.	Do.	Mansfield, town of.....	Cattaraugus	May 31, 1974
Epsum, town of.....	do.	Mar. 15, 1974	Broadalbin, town of.....	Fulton	Sept. 20, 1974	Maryland, town of.....	Otsego	June 28, 1974
Freedom, town of.....	Carroll	Aug. 20, 1974	Busti, town of.....	Chautauqua	Oct. 18, 1974	Meredith, town of.....	Delaware	June 28, 1974
Gilford, town of.....	Belknap	June 28, 1974	Cambridge, town of.....	Madison	Mar. 29, 1974	Middleburg, town of.....	Schoharie	Aug. 30, 1974
Goffstown, town of.....	Millsborough	Sept. 20, 1974	Candor, town of.....	Tioga	Aug. 2, 1974	Middleburg, village of.....	Delaware	Sept. 6, 1974
Total 13.			Canton, village of.....	St. Lawrence	Aug. 16, 1974	Middletown, town of.....	Dutchess	Oct. 18, 1974
NEW HAMPSHIRE			Carroll, town of.....	Chautauqua	Sept. 20, 1974	Millan, town of.....	do.	June 14, 1974
Haverhill, town of.....	Grafton	Mar. 8, 1974	Castleton On The Hudson, village of.....	Rensselaer	Mar. 1, 1974	Moravia, town of.....	Cayuga	Sept. 6, 1974
Henniker, town of.....	Merrimack	Mar. 15, 1974	Cattorland, village of.....	Lewis	Aug. 9, 1974	Morristown, town of.....	do.	May 31, 1974
Hudson, town of.....	Hillsborough	Mar. 8, 1974	Champion, town of.....	Jefferson	May 31, 1974	Morrisville, village of.....	Madison	Mar. 8, 1974
Londonderry, town of.....	Rockingham	Aug. 9, 1974	Charlotte, town of.....	Montgomery	July 26, 1974	Munnsville, village of.....	Cattaraugus	June 14, 1974
Loudon, town of.....	Merrimack	Aug. 2, 1974	Chamilton, village of.....	Jefferson	May 17, 1974	Napoli, town of.....	Nassau	Mar. 22, 1974
Marlow, town of.....	Cheshire	Sept. 13, 1974	Cherry Creek, village of.....	Chautauqua	May 10, 1974	Nelson, town of.....	Rensselaer	Mar. 22, 1974
Millan, town of.....	Cos.	June 28, 1974	Cherry Valley, town of.....	Otsego	Oct. 18, 1974	Nelson, town of.....	Montgomery	Feb. 15, 1974
New Boston, town of.....	Hillsborough	Do.	Clayville, village of.....	Essex	Sept. 6, 1974	New Haven, town of.....	Orwigo	July 19, 1974
New Hampton, town of.....	Merrimack	Mar. 22, 1974	Cleveland, village of.....	Oneida	May 24, 1974	Newark Valley, vil. of.....	Tioga	June 7, 1974
Northfield, town of.....	Rockingham	June 28, 1974	Clyde, village of.....	Oswego	May 31, 1974	Nichols, village of.....	do.	Do.
Nottingham, town of.....	Merrimack	Oct. 18, 1974	Cold Spring, town of.....	Cattaraugus	June 21, 1974	North Collins, town of.....	do.	May 24, 1974
Pittsford, town of.....	Rockingham	Oct. 18, 1974	Columbia, town of.....	do.	Do.	Oakfield, town of.....	Genesee	Oct. 25, 1974
Plainfield, town of.....	do.	Aug. 9, 1974	Columbus, town of.....	Chenango	Oct. 18, 1974	Orange, town of.....	Schuyler	July 26, 1974
Raymond, town of.....	Grafton	Mar. 15, 1974	Coneawango, town of.....	Cattaraugus	June 28, 1974	Orwell, town of.....	Oswego	Oct. 25, 1974
Ramsey, town of.....	Belknap	Oct. 18, 1974	Congoct, town of.....	Cayuga	Aug. 16, 1974	Oswego, town of.....	do.	May 31, 1974
Sandwich, town of.....	Carroll	July 20, 1974	Constableville, village of.....	Lewis	Aug. 9, 1974	Otisco, town of.....	Onondaga	Do.
Seabrook, town of.....	Rockingham	Aug. 2, 1974	Croghan, village of.....	do.	May 31, 1974	Otto, town of.....	Cattaraugus	Do.
Sharon, town of.....	Hillsborough	Aug. 16, 1974	Danbo, town of.....	Herkimer	Apr. 5, 1974	Ovid, town of.....	Seneca	July 26, 1974
Sumnersworth, town of.....	Sullivan	June 28, 1974	Deruyter, town of.....	Madison	Sept. 20, 1974	Owasco, town of.....	Cayuga	May 31, 1974
Sumner, town of.....	Merrimack	Do.	Druyter, village of.....	do.	Feb. 14, 1974	Palatine Bridge, village of.....	Montgomery	Feb. 15, 1974
Sutton, town of.....	Carroll	July 19, 1974	Diana, town of.....	Lewis	Sept. 13, 1974	Pamela, town of.....	Jefferson	Oct. 18, 1974
Tamworth, town of.....	Sullivan	May 31, 1974				Pawling, town of.....	Dutchess	Oct. 25, 1974
Unity, town of.....	Carroll	July 20, 1974				Perry, town of.....	Wyoming	June 28, 1974
Wakesfield, town of.....	Grafton	Sept. 13, 1974				Perrysburg, town of.....	Cattaraugus	May 17, 1974
Warren, town of.....	do.	Aug. 16, 1974				Perth, town of.....	Fulton	Oct. 18, 1974
Wentworth, town of.....	Cos.	July 26, 1974				Pharsalia, town of.....	Chenango	Do.
Whitefield, town of.....	Merrimack	Aug. 16, 1974				Pike, town of.....	Wyoming	Sept. 13, 1974
Wilnot, town of.....	do.	Aug. 16, 1974				Pinckney, town of.....	Lewis	Sept. 6, 1974
Total 29.						Pittsfield, town of.....	Otsego	Oct. 25, 1974

Community name	County name	Identification date	Community name	County name	Identification date	Community name	County name	Identification date
Ramulus, town of	Seneca	July 26, 1974	Bettsville, village of	Seneca	Apr. 12, 1974	Waite Hill, village of	Lake	Dec. 17, 1973
Rose, town of	Wayne	June 28, 1974	Blanchester, village of	Clinton	Apr. 5, 1974	Wakeman, village of	Huron	Nov. 9, 1973
Salisbury, town of	Herkimer	June 7, 1974	Broadview Heights, city of	Cuyahoga	June 28, 1974	Washingtonville, village of	Columbiana	Do.
Roslyn Harbor, village of	Nassau	June 28, 1974	Burgoon, village of	Sandusky	Aug. 2, 1974	Waverly, city of	Pike	June 21, 1974
Salem, village of	Washington	Apr. 12, 1974	Camden, village of	Preble	May 10, 1974	Wellston, city of	Jackson	Feb. 18, 1974
Sandy Creek, town of	Oswego	May 24, 1974	Castalia, village of	Erie	Mar. 29, 1974	Williamsburg, village of	Clermont	Mar. 29, 1974
Schuyler Falls, town of	Clinton	Sept. 13, 1974	Chamney, village of	Athens	June 21, 1974	Windham, village of	Portage	Mar. 15, 1974
Scipio, town of	Cayuga	May 31, 1974	Chemist, city of	Hamilton	June 7, 1974	Woodville, village of	Sandusky	Do.
Sempronius, town of	do	Do.	Christiansburg, village of	Champaign	Aug. 9, 1974	Zanesville, village of	Logan	Oct. 18, 1974
Sennett, town of	do	June 14, 1974	Coal Grove, village of	Lawrence	June 14, 1974	Total 118.		
Smithfield, town of	Madison	Oct. 25, 1974	Coatons, village of	Jackson	Feb. 1, 1974			
South Dayton, village of	Cattaraugus	May 31, 1974	Columbus Grove, village of	Putnam	Feb. 8, 1974			
South Valley, town of	do	Sept. 6, 1974	Creston, village of	Wayne	Feb. 1, 1974			
Spencer, town of	Tioga	Aug. 9, 1974	Crooksville, village of	Perry	Do.			
St. Armand, town of	Essex	Oct. 25, 1974	Cuyahoga Heights, village of	Cuyahoga	Mar. 29, 1974			
St. Johnsville, town of	Montgomery	Feb. 15, 1974	Delroy, village of	Carroll	Aug. 9, 1974			
Stanford, town of	Dutchess	Oct. 18, 1974	Donnelsville, village of	Clark	Feb. 1, 1974			
Stierling, town of	Cayuga	July 26, 1974	DuPont, village of	Putnam	Aug. 9, 1974			
Steuben, town of	Oneida	June 28, 1974	Elida, village of	Allen	Mar. 25, 1974			
Stockport, town of	Columbia	Oct. 18, 1974	Elmore, village of	Ottawa	Oct. 13, 1974			
Stuyvesant, town of	do	Do.	Evendale, village of	Hamilton	Mar. 1, 1974			
Theresa, village of	Jefferson	May 10, 1974	Fairlawn, city of	Summit	Mar. 29, 1974			
Theriot, town of	Steuben	Oct. 23, 1974	Fort Jennings, village of	Putnam	May 31, 1974			
Thon, town of	Tioga	Sept. 6, 1974	Fort Recovery, village of	Mercer	June 7, 1974			
Tonawanda, town of	Erie	June 7, 1974	Fort Shawnee, village of	Allen	Oct. 18, 1974			
Torrey, town of	Yates	May 31, 1974	Fraserburg, village of	Mckinham	Aug. 30, 1974			
Trenton, village of	Oneida	Aug. 30, 1974	Frederickstown, village of	Knox	Apr. 5, 1974			
Triangle, town of	Broome	Apr. 5, 1974	Gilboa, village of	Putnam	Aug. 9, 1974			
Tully, town of	Onondaga	Oct. 18, 1974	Glenford, village of	Perry	Aug. 23, 1974			
Tuscarora, town of	Steuben	Oct. 25, 1974	Green Springs, village of	Sandusky	Mar. 1, 1974			
Tyre, town of	Seneca	Oct. 18, 1974	Greenfield, village of	Highland	Do.			
Varick, town of	do	Do.	Hamler, village of	Henry	Apr. 12, 1974			
Verona, town of	Oneida	Sept. 13, 1974	Hartford, village of	Licking	Sept. 13, 1974			
Veteran, town of	Chemung	Oct. 25, 1974	Jackson Center, village of	Shelby	May 31, 1974			
Victory, town of	Cayuga	July 26, 1974	Jacksonville, village of	Athens	May 17, 1974			
Victory, village of	Saratoga	Apr. 5, 1974	Jeffersonville, village of	Fayette	Do.			
Villanova, town of	Chautauque	Oct. 18, 1974	Jenera, village of	Hancock	Aug. 9, 1974			
Walton, town of	Delaware	Do.	Kalida, village of	Putnam	Mar. 1, 1974			
Waterloo, town of	Seneca	July 19, 1974	Leesburg, village of	Highland	Apr. 5, 1974			
Waterville, village of	Oneida	June 14, 1974	Leesville, village of	Carroll	Sept. 20, 1974			
Waverly, town of	Franklin	Oct. 25, 1974	Lesbon, village of	Columbiana	Apr. 12, 1974			
West Turin, town of	Lewis	Sept. 13, 1974	Lockland, city of	Hamilton	Feb. 15, 1974			
Weston, town of	Oneida	Aug. 2, 1974	Lodi, village of	Madison	May 10, 1974			
White Creek, town of	Oswego	Oct. 25, 1974	Lore City, village of	Guernsey	Aug. 30, 1974			
Willing, town of	Washington	Oct. 18, 1974	Lucas, village of	Richland	Apr. 5, 1974			
Wilston, town of	Allegany	June 30, 1974	Lynchburg, village of	Highland	Mar. 29, 1974			
Wilets, town of	Saratoga	June 14, 1974	Magnolia, village of	Carroll	July 8, 1974			

Community name	County name	Identification date
Splendora, city of	Montgomery	Aug. 30, 1974
Sinnett, city of	Hutchinson	May 31, 1974
Stockdale, city of	Wilson	Do.
Sundown, city of	Huckley	Apr. 12, 1974
Trinidad, city of	Henderson	Oct. 18, 1974
Vernon, city of	Wilbarger	May 17, 1974
Wharton County		Aug. 2, 1974
Wills Point, city of	Van Zandt	May 17, 1974
Wink, city of	Winkler	June 28, 1974
Wolfe City, city of	Hunt	Do.
Yoakum, city of	Lavaca and De Witt	May 10, 1974

Zapata County
Total 73.

UTAH

Beaver, city of	Beaver	June 11, 1974
Circleville, town of	Piute	Aug. 2, 1974
Enterprise, city of	Washington	Aug. 16, 1974
Francis, town of	Summit	July 28, 1974
Honeyville, town of	Box Elder	June 28, 1974
Huntsville, town of	Weber	June 21, 1974
Lawson, city of	Cache	Aug. 16, 1974
Randolph, town of	Do.	
Wellington, city of	Carbon	July 20, 1974
Willard, city of	Box Elder	June 7, 1974

Total 10.

VERMONT

Bloomfield, town of	Essex	Sept. 6, 1974
Bradford, village of	Orange	Oct. 25, 1974
Bridgewater, town of	Windsor	Aug. 16, 1974
Charleston, town of	Orleans	Aug. 9, 1974
Clarendon, town of	Rutland	May 31, 1974
Concord, town of	Essex	Sept. 20, 1974
Dover, town of	Windham	Aug. 2, 1974
Easburg, town of	Franklin	Aug. 9, 1974
Essex Junction, village of	Chittenden	June 28, 1974
Granville, town of	Addison	Jan. 24, 1974
Hancock, town of	Caledonia	Sept. 20, 1974
Higbee, town of	Franklin	May 31, 1974
Huntington, town of	Chittenden	July 21, 1974
Hyde Park, village of	Lamoille	Aug. 30, 1974
Jay, town of	Orleans	Sept. 13, 1974
Lowell, town of	do.	Sept. 20, 1974
Lunenburg, town of	Essex	June 28, 1974
Marshfield, village of	Washington	Sept. 20, 1974
Milton, village of	Chittenden	May 3, 1974
Morrisville, village of	Lamoille	Feb. 1, 1974
North Troy, village of	Orleans	Aug. 2, 1974
Readsboro, village of	Bennington	Aug. 9, 1974
Richford, town of	Franklin	Aug. 2, 1974
Thetford, town of	Orange	Aug. 16, 1974
Troy, town of	Orleans	July 20, 1974
Washington, town of	Orange	June 28, 1974
Wells River, village of	do.	Aug. 9, 1974
Westfield, town of	Orleans	Sept. 6, 1974

Total 28.

VIRGINIA

Bristol, city of		Mar. 8, 1974
Hallwood, town of	Accomack	Aug. 9, 1974
Haymarket, town of	Prince William	Do.
New Castle, town of	Craig	Do.
Royston, town of	Southampton	May 31, 1974

Total 4.

WASHINGTON

Buckley, town of	Pierce	Aug. 6, 1974
Republic, town of	Perry	June 7, 1974
Zillah, city of	Yakima	—16, 1974

Total 3.

WEST VIRGINIA

Blacksville, town of	Pocahontas	Mar. 29, 1974
Mount Hope, town of	Monongalia	Oct. 25, 1974
	Fayette	Sept. 13, 1974

Total 3.

WISCONSIN

Almena, village of	Barron	Sept. 6, 1974
Barneveld, village of	Iowa	May 17, 1974
Belgium, village of	Ozaukee	June 7, 1974
Bel Center, village of	Crawford	Jan. 9, 1974
Big Falls, village of	Waupaca	Aug. 30, 1974
Boar, village of	Richland	Aug. 23, 1974
Boscobel, city of	Grant	Dec. 17, 1973
Browns, village of	Green	Jan. 9, 1974
Cable, village of	Bayfield	Aug. 30, 1974
Cambridge, village of	Dane	Dec. 17, 1973
Cameron, village of	Barron	Dec. 28, 1973
Cascade, village of	Sheboygan	May 3, 1974
Cazenovia, village of	Richland	Aug. 23, 1974
Conrath, village of	Rusk	Aug. 30, 1974
Coeburg, village of	Sheboygan	June 28, 1974
Desoto, village of	Crawford	Jan. 9, 1974
Doylestown, village of	Columbia	Apr. 17, 1974
Eagle River, city of	Vilas	Dec. 28, 1973
East Troy, village of	Walworth	May 24, 1974
Kland, village of	Shawano	Aug. 23, 1974

Community name	County name	Identification date
Elderon, village of	Marathon	July 11, 1974
Falrehold, village of	Kau Claire	May 1, 1974
Fenwood, village of	Marathon	Aug. 2, 1974
Forestville, village of	Door	Nov. 30, 1973
Fortville, village of	Rock	May 31, 1974
Francis Creek, village of	Manitowoc	May 17, 1974
Galesville, city of	Trempealeau	Nov. 30, 1973
Granton, village of	Clark	Aug. 30, 1974
Gratford, village of	Lafayette	Jan. 16, 1974
Hammond, village of	St. Croix	May 10, 1974
Howard, village of	Brown	Dec. 28, 1973
Hustler, village of	Juneau	Aug. 23, 1974
Ingram, village of	Rusk	Sept. 6, 1974
Ironton, village of	Sank	Aug. 16, 1974
Johnson Creek, village of	Jefferson	Jan. 9, 1974

Knapp, village of	Dunn	July 19, 1974
Lime Ridge, village of	Sank	Aug. 23, 1974
Loganville, village of	do.	Sept. 6, 1974
Lowell, village of	Dodge	May 17, 1974
Lublin, village of	Taylor	Sept. 20, 1974
Marquette, village of	Green Lake	Dec. 28, 1973
Mattson, village of	Shawano	Aug. 30, 1974
Melvin, village of	Monroe	Do.
Menomonie, city of	Dunn	June 28, 1974
Merrill, village of	Jackson	May 31, 1974
Minono, village of	Washington	Aug. 30, 1974
Mount Hope, village of	Grant	Do.
Necedah, village of	Juneau	Jan. 9, 1974
New Auburn, city of	Chippewa	July 19, 1974
North Bay, village of	Racine	Sept. 6, 1974
Prairie du Sac, village of	Sank	Dec. 7, 1973
Ogdenburg, village of	Waupaca	Aug. 23, 1974
Oliver, village of	Douglas	Aug. 30, 1974
Ontario, village of	Vernon	Sept. 6, 1974
Oxford, village of	Marquette	Sept. 6, 1974
Pardeeville, village of	Columbia	Dec. 28, 1973
Pigeon Falls, village of	Trempealeau	Sept. 6, 1974
Poplar, village of	Douglas	Dec. 28, 1973
Potosi, village of	Grant	Do.
Pulaski, village of	Brown	May 24, 1974
Redgranite, village of	Waushara	May 17, 1974
Ridgeview, village of	Iowa	Sept. 20, 1974
Shullsburg, city of	Lafayette	May 17, 1974
South Wayne, village of	do.	Dec. 7, 1973
St. Cloud, village of	Fond du Lac	Dec. 28, 1973
Star Prairie, village of	St. Croix	Do.
Sturtevant, village of	Racine	May 24, 1974
Taylor, village of	Jackson	Dec. 7, 1973
Unity, city of	Marathon	Sept. 20, 1974
Vesper, village of	Wood	Aug. 2, 1974
Watertown, city of	Dodge	May 31, 1974
Waukegan, village of	Dane	Dec. 17, 1973
Wausaukee, village of	Marquette	May 24, 1974
Wheeler, village of	Dunn	Aug. 2, 1974
Wild Rose, village of	Waushara	May 31, 1974
Wilson, village of	St. Croix	Aug. 30, 1974
Woodman, village of	Grant	Jan. 16, 1974

Total 77.

WYOMING

DuBois, town of	Fremont	Jan. 23, 1974
Kemmerer, town of	Lincoln	Mar. 29, 1974
Laramie, city of	Albany	Apr. 5, 1974
Manderson, town of	Big Horn	Sept. 13, 1974
Ranchester, town of	Sheridan	Sept. 6, 1974
Riverton, city of	Fremont	Mar. 29, 1974
Torrington, town of	Goshen	Mar. 15, 1974

Total 7.

Grand total 1,673.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 P.R. 17804 Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 P.R. 2680, Feb. 27, 1969) as amended 39 P.R. 2787, Jan. 24, 1974.)

Issued: September 30, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75-27329 Filed 10-9-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-443]

GROVELAND RANCH ACRES

Hearing

In the matter of Groveland Ranch
Acres, OILSR No. 0-0308-09-68 & (A-F)
Doc. No. 75-178-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that: 1. Groveland Ranch Acres, Inc., Stanley Rowen, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued September 3, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Groveland Ranch Acres, located in Polk County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received September 19, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on November 14, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before October 30, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 30, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-27327 Filed 10-9-75;4:45 am]

[Docket No. N-75-442]

SEA PINES SUBDIVISION

Hearing

In the matter of Sea Pines Subdivision,
OILSR Nos. 0-0347-09-74, Unit 4, 0-0347-09-74(A), Unit 3, 0-0347-09-74(B), Unit 3, Addition; 0-0347-09-74(C), Unit 5, 0-0347-09-74(D), Unit 3, Addition (33

DEPARTMENT OF
TRANSPORTATIONNational Highway Traffic Safety
Administration

[Docket No. EX 74-4; Notice 3]

AM GENERAL CORP.

Petition for Temporary Exemption From
Motor Vehicle Safety Standard

AM General Corporation of Detroit, Michigan, has requested an extension until February 1, 1976, of its temporary exemption from Motor Vehicle Safety Standard No. 103, *Windshield Defrosting and Defogging Systems*.

On August 26, 1974, notice was published in the *FEDERAL REGISTER* (39 FR 30853) of AM General's petition to manufacture 300 electric delivery vans for the U.S. Postal Service without windshield defrosting systems. The basis of the petition was that an exemption would facilitate the development and field evaluation of a low-emission motor vehicle. The Administrator granted AM General's petition on November 7, 1974 (39 FR 39439), issuing an exemption that will expire November 1, 1975. Because "numerous 'in-house' and vendor oriented problems have been slowed down our anticipated monthly production schedule" and "a safety related defect . . . has further delayed production of these vehicles", AM General has "found it impossible to finish production of the remaining vehicles by the deadline of November 1, 1975" and requests an extension of its exemption to February 1, 1976.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of AM General Corporation. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the *FEDERAL REGISTER*.

Comment closing date: November 10, 1975.

lots): 0-0347-09-75(E), Unit 6, 0-2533-09-756, Unit 7, Doc. No. 75-112-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that: 1. James V. Hodnett, Jr. d/b/a Sea Pines Subdivision, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued August 28, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Sea Pines Subdivision, located in Pasco County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received September 22, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on November 11, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before October 28, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: October 2, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-27328 Filed 10-9-75;8:45 am]

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on October 6, 1975.

ELWOOD T. DRIVER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-27314 Filed 10-9-75;8:45 am]

F. A. McNIEL AND WAGNER ELECTRIC
CORP.

Denials of Petitions

This notice sets forth the reasons for denial of two petitions for rulemaking to initiate or amend Federal motor vehicle safety standards promulgated under authority of § 103 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.). This notice is published in accordance with section 124 of the Act, which provides that the National Highway Traffic Safety Administration must grant or deny such petitions within 120 days, and "If the Secretary denies such petition he shall publish in the Federal Register his reasons for such denial" (section 124(d)).

Petition of Mr. F. A. McNiel (May 12, 1975). Petition to amend Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to provide "A means that will hasten the illumination of a vehicle's conventional stop warning lamps at any time that a 'panic' or any other exceptionally sudden stop is made, but wherein the said means will not affect the normal functioning of the vehicle's lighting system at any other time." Mr. McNiel's petition was denied because the system would not differentiate between a "panic stop" and a sudden release of the accelerator pedal for reasons unrelated to vehicle stopping. Conversely, all sudden stops are not necessarily accompanied by release of the accelerator.

Wagner Electric Corporation (May 16, 1975). Petition to amend Standard No. 116, *Motor Vehicle Brake Fluids*, to remove DOT 5 brake fluid from the fluids specified in the standard, and to add a fluid lubricity test to the standard. Wagner's petition was denied because insufficient evidence was presented that DOT 5 fluids would be hazardous when used in certain brake units due to reduced lubricity of the fluid, and because other test data demonstrated that DOT 5 fluid meets specified lubricity requirements. Wagner's petition for the addition of a lubricity test to Standard No. 116 was denied because it did not include specific test and performance requirements, and further consideration of performance levels is required before reasonable requirements could be specified.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 106 Pub. L. 93-492,

88 Stat. 1482 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on October 6, 1975.

ELWOOD T. DRIVER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-27315 Filed 10-9-75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL ADVISORY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, (Pub. L. 92-463), notice is hereby given that a meeting of the American Revolution Bicentennial Advisory Council will be held on October 30 (joint session with the ARB Board), and October 31, 1975 (regular Council meeting) in Washington, D.C. Details on actual meeting place, time of meeting and specific agenda items will be announced as soon as available.

The meeting will be open to the public on a space available basis. Further information can be obtained from Ms. Jane Shay, Executive Assistant to the Administrator, American Revolution Bicentennial Administration, 2401 "E" Street NW., Washington, D.C. 20276, telephone (202) 634-1841.

JOHN W. WARNER,
Administrator.

[FR Doc.75-27339 Filed 10-9-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 27844/27924]

CARIBBEAN INTERNATIONAL AIRWAYS LTD. AND LAKER AIRWAYS LTD.

Foreign Air Carrier Permits; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 4, 1975, at 9:30 a.m. (local time) in Room 911 of the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., October 6, 1975.

[SEAL] BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.75-27351 Filed 10-9-75;8:45 am]

CIVIL SERVICE COMMISSION FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, October 29, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street NW., and will

consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management
Officer for the President's Agent.

[FR Doc.75-27252 Filed 10-9-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SE- VERELY HANDICAPPED

PROCUREMENT LIST 1975

Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7510

Portfolio, Plastic
7510-00-616-0787
7510-00-616-0938
7510-00-616-0789
7510-00-579-8554
7510-00-579-8553
7510-00-579-8549

CLASS 7920

Detergents, General Purpose
7930-00-926-5280
7930-00-357-7386
7930-00-068-1669

Comments and views regarding these proposed additions may be filed with the Committee on or before November 10, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-27293 Filed 10-9-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON THE ECO- NOMIC ROLE OF CONTRACT MAR- KETS

Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory

Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on the Economic Role of Contract Markets ("Advisory Committee on Economic Role of Contract Markets") will conduct a public meeting on October 30, 1975 at 1120 Connecticut Avenue NW., Washington, D.C. in Room 925, beginning at 10:00 a.m. The objectives and scope of activities of the Advisory Committee on Economic Role of Contract Markets will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Economic functions of futures trading. This will include consideration of such matters as:

(i) Benefits of commodity futures trading;
(ii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of bona fide hedging transactions or positions;
(iii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of international arbitrage; and
(iv) Appropriate policy criteria to be utilized by the Commission in establishing trading and position limits under the Commodity Exchange Act, as amended.

(2) Criteria for economic evaluation of existing contracts and new contract applications, including such matters as:
(i) Proliferation of contracts;
(ii) Commercial viability of contracts (including delivery points); and
(iii) Trading potential (new and inactive contracts).

The summarized agenda for the meeting is as follows:

1. Orientation of members.
2. Presentation of proposed advisory committee work plan.
3. Presentation on the economic benefits and potential drawbacks of futures trading.

In the event the committee does not complete its consideration of the items on the agenda on October 30, 1975, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the committee will be permitted to do so either before or after the meeting. Members of the public that wish to make oral statements should inform Margaret Harrison, Office of the Executive Director, telephone (202) 254-8955, at least five (5) days before the meeting, and reasonable provisions will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of the committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Con-

necit Avenue NW., Washington, D.C. 20036.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

Dated: October 7, 1975.

[FR Doc. 75-27335 Filed 10-9-75; 8:45 am]

ENVIRONMENTAL QUALITY COUNCIL

ENVIRONMENTAL STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from September 29 through October 3, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (November 24, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Forest Highway 34, Graham County, Ariz., September 29: The proposal is to complete construction of the Swift Trail, located in the Pinaleno Mountains of Coronado National Forest. Four alternatives were considered, ranging from reconstruction of a new road on different alignment to retention of the old road. All four alternatives are capable of putting more people on the mountain than the mountain's resources can accommodate; therefore, controls will have to be instituted to avoid overusing them. All alternatives will also affect wildlife because of increased human use. (ELR Order No. 51457.)

Final

Kilkenny Unit Plan, White Mountain National Forest, Coos County, N.H., September 30: The proposed land use plan for the Kilkenny Unit of the White Mountain National Forest includes strategic water quality monitoring, major deer yard management, restrictions on use, modified transportation system for foot travel and motorized use, road closures, minimal expansion of developed recreation facilities, timber sales producing over 4 million board feet per year, acquisition priorities on major inholdings, use of fire management for wildlife habitat improvement, and no wilderness designation for this planning period. Implementation of the plan will result in decreased tax revenues, and increased waste problems due to dispersed off-road recreation. (ELR Order No. 51463.)

Garden Valley Planning Unit, Boise National Forest, Valley and Boise Counties,

Idaho, October 1: The statement refers to a land use plan for the 241,600 acre Garden Valley Planning Unit of Boise National Forest. The plan attempts to determine the desired balance of development and protection for each management unit. The most significant adverse impact is on fish and wildlife. Livestock use in and around stream channels will remove needed streambank cover, cause streambanks to cave in, and increase sedimentation. Road construction, timber harvest, grazing, and campground development will have an adverse effect on aesthetics. Comments made by: DOI, EPA, USDA, AHP, and State and local agencies, organizations, and individuals. (ELR Order No. 51470.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Apache Units No. 2, 3, Transmission Lines, several counties in Arizona, October 1: The project involves the request for a loan guarantee from Arizona Electric Power Cooperative, Inc., to construct two new generating units (No. 2 and No. 3) at the existing Apache plant site. Each unit will have a net capacity of 175 MW. The project will also consist of 58 miles of 230 kV transmission line and 23 miles of 345 kV transmission line. The project will result in the consumption of 1.3 million tons of coal annually and 5,400 gpm of water from deep-wells located on the site. The water consumption will adversely affect nearby wells used for agricultural irrigation. (ELR Order No. 51467.)

SOIL CONSERVATION SERVICE

Draft

Flint Creek Watershed, Ontario, Steuben, and Yates Counties N.Y., September 29: Proposed is a project for watershed protection and flood prevention for the Flint Creek Watershed. The project will consist of conservation land treatment measures on 16,630 acres and about 18.7 miles of channel work. Installation of floodwater retarding structures will require the commitment of 28 acres of cropland and 13 acres of forest land and will cause construction inconveniences, short term increase in sediment and turbidity. (ELR Order 51451.)

South Fork of Blackwater R. Watershed, Johnson County, S.C., September 16: In the FEDERAL REGISTER of October 3, 1975, this statement was listed as filed by Department of Defense, Army Corps of Engineers. The statement was filed by U.S. Department of Agriculture, Soil Conservation Service.

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202-OX 4-4269.

Draft

Rocket Disposal, Dugway Proving Ground, Utah, September 29: The statement concerns the disposal of approximately 569 M55 rockets containing the lethal chemical agent GB, and some burster explosive. The proposed operation consists of neutralizing the GB by placing those residue items containing the agent in tanks of caustic solution which will dissolve the aluminum warhead and then react with and neutralize the GB. The statement indicates no adverse environmental impact or controversy concerning the project. (ELR Order No. 51449.)

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence

Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Bonneville Lock and Dam, 2nd Powerhouse (S), Washington County, Oreg., September 29: The proposed action is the relocation of the town of North Bonneville to a new site on the Washington shore about 2 miles west of the existing town to allow the completion of construction of the second powerhouse project at Bonneville Dam. Social impacts of relocation would be severe at least temporarily, and residents would incur increased indebtedness in relocating to new facilities. The crime rate would increase due to the number of vacant homes, and recreation activities in the vicinity of the new town site would be restricted for a period of 6 to 10 years. (ELR Order No. 51458.)

Final

Clarence J. Brown Dam and Reservoir, Clark County, Ohio, September 29: Proposed is the completion of the remaining two percent of construction, operation, and maintenance activities at the dam, which is located on Buck Creek and the mainstem of the Mad River, in the Miami River Basin. The project will result in the creation of a 2,120 acre seasonal lake, for the purposes of flood control, water quality, recreation, and fish and wildlife activities. Five miles of free flowing stream, 50 acres of flood plain forest, 2,000 acres of agricultural land, and the 340 acre Reid Memorial Park have been inundated. Comments made by: DOI, USDA, DOT, FPC, EPA, HUD, AHO, and State and local agencies. (ELR Order No. 51453.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington D.C. 20460, 202-755-0940.

Draft

Dalmon Creek Interceptor, Juneau, Alaska, October 1: The statement concerns the awarding of grant funds to the City and Borough of Juneau, Alaska for the construction of an interceptor sewer line to service the area from Vanderbilt Hill to Norway Point. The estimated cost for the 4.5 miles of pipeline is \$2,173,000. Completion of the project would remove present constraints on growth and development in the project area. The project will result in cost to property owners and secondary impacts of erosion of soils and increased sedimentation in the Twin Lake area due to development. (ELR Order No. 51455.)

Final

New Shoreham Treatment Facilities, Rhode Island, October 3: Proposed is a municipal collection system and an extended aeration system as the method of wastewater treatment for Block Island. Since the New Harbor Area is not suitable for subsurface sewerage systems, Alternative B, which includes addition of a filtration unit for the final effluent to insure a consistently high quality effluent at the outfall, odor control and noise attenuation, aesthetic screening, and fencing of the outfall, was chosen. Adverse impacts include the limited growth potential due to the implementation of the project, and construction disruption. Comments made by: DOI, USDA, COE, DOT, USCG, HUD, HEW, and State agencies. (ELR Order No. 51476.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-386-6084.

Draft

Bad Creek Pumped Storage Project, South Carolina, October 3: Proposed is the licensing

of Duke Power Co. for the construction, operation, and maintenance of a pumped storage project that would include a 318-acre upper reservoir, a 1.25 mile underground power tunnel, a 1,000 MW underground powerhouse complex and a 525 kV transmission line. Construction of the project would require the elimination of 2.3 acres of trout stream and 508 acres of land vegetation. No recreational facilities are proposed within the project area. (ELR Order No. 51479.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Final

Upton Urban Renewal, Baltimore, Maryland, October 2: The statement concerns an urban renewal project for Upton, a 183 acre area of Baltimore's black community. The project's goal to improve housing will be realized primarily through rehabilitation of existing buildings, although 1,000 new housing units will be constructed. The project will displace families and businesses. Comments made by: (ELR Order No. 51474.)

Stoneleigh Subdivision, DeKalb County, Ga., October 2: The statement refers to the proposed development of Stoneleigh Subdivision in DeKalb County, Georgia. The project is a planned unit development encompassing 87.5 acres, with a proposed land use of 612 single-family townhouse units, common areas, green belts, a clubhouse with swimming and wading pools and 4 tennis courts. Adverse impacts are increased demand created on utilities, municipal and community services and facilities, increased surface water run-off, traffic congestion, and increased noise and air pollution. (ELR Order No. 51471.)

Draft

Bathtub, Shower Fire Safety Requirements, October 29: The statement concerns the establishment of flame spread and smoke limitations for fiberglass reinforced plastic bathtub and shower units, as recommended by a HUD-convened committee of fire and plastics experts. The purpose of the regulations is to protect against personal injury and property loss by fire. The statement indicated no adverse impact on the environment. (ELR Order No. 51448.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

SECTION 104(h)

Draft

Alhambra 18-Hole Golf Facility, California, October 2: Proposed is the extension of the existing 9-hole golf Alhambra golf facility to an 18-hole facility. The project will encompass 43 acres of land and the existing 9-hole course. When completed, the facility will provide a 6,070 yard championship course with a clubhouse, pro shop, restaurant, and parking facilities for approximately 200 automobiles. Construction disruption will result. (ELR Order No. 51473.)

Sand Point Park, Seattle, King County, Wash., September 29: The statement concerns the acquisition, development, and use of Navy excessed property at Sand Point as a regional park. A network of vehicular and pedestrian roads, onsite parking and improved utilities are also included in the proposed action. Adverse impacts include in-

creased air pollution from automobiles and construction disruption. (ELR Order No. 51461.)

Final

Williamson Creek Sewer Line, Texas, October 2: Proposed is the installation of a sewer trunk line to serve northeastern Temple, including a presently undeveloped area proposed for residential development. The project will encourage development in northeast Temple. Construction disruption will result. (ELR Order No. 51472.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF OUTDOOR RECREATION

Draft

Gasconade Wild and Scenic River, Pulaski, Texas, and Laclede Counties, Mo., October 5: Proposed is the legislative inclusion of a 66 mile segment of the Gasconade River and a 52 mile segment of the Big Piney River in the National Wild and Scenic Rivers System. The proposal would also acknowledge that two river segments on the lower Gasconade are qualified for inclusion in the National System, but call for management of the two river areas to be accomplished through local initiative. The lower 104-mile stretch of Gasconade River will also be placed under Federal control if local efforts to meet the objectives of P.L. 90-542 are not successful. Commercial, residential, and agricultural land uses would be regulated. (ELR Order No. 51480.)

New River Gorge, National Wild and Scenic Rivers, Fayette, Summers, and Raleigh Counties, W. Va., September 29: Proposed is the legislative designation of the New River Gorge in West Virginia as part of the National Wild and Scenic Rivers System under overall management of the National Park Service. Inclusion in the System will provide protection of existing scenic, recreational, historic, fish and wildlife, and water quality values of the river. No significant adverse effects are anticipated on ecological systems. (ELR Order No. 51480.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Hawaiian Islands Wilderness Area, Honolulu County, Hawaii, October 1: The statement refers to a legislative proposal that 1,741 acres within the 256,145 acre Hawaiian Islands National Refuge be designated as wilderness within the National Wilderness Preservation System. The area includes island groups, reefs, shoals, and adjacent submerged lands of the Leeward Hawaiian Islands. Comments made by: (ELR Order No. 51468.)

Proposed Back Bay Wilderness Area, Virginia, October 1: Proposed is the legislative designation of 2,165 acres of Back Bay National Wildlife Refuge in Virginia Beach as wilderness within the National Wilderness Preservation System. Any impact from the action would derive from protection against exploitation of the natural resources. Comments made by: COE, EPA, and DOI. (ELR Order No. 51466.)

NATIONAL PARK SERVICE

Final

City of Refuge National Historical Park, Hawaii, September 29: The master plan for City of Refuge National Historical Park, Hawaii, outlines a program that will preserve and interpret the remains of the Hawaii puuhonua (place of refuge) and its associ-

ated historic and natural values as an important center of ancient Hawaiian culture. The project will require extension of existing boundaries to include about 204 acres of land and 112 acres of water, which will result in the displacement of 8 families. Comments made by: USDA, DOI, and State agencies. (ELR Order No. 51452.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard Chals, Supervisory Attorney Advisor for the Environmental Staff, Room 2370, Washington, D.C. 20423, 202-343-2086.

Draft

C&NW Transportation Co., Docket AB1 (Sub-No. 9), Iowa, S. Dak., September 30: The Chicago and North Western Transportation Company proposes to abandon and completely dismantle its branch line extending 155.7 miles between Wren, Iowa and Iroquois, South Dakota. The diversion of traffic from rail to motor carrier although low, would result in an increased burden on the environment with respect to energy consumption and emissions. Noise and safety hazards associated with motor carrier movement would be intensified. (ELR Order No. 51462.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P-732, NRC, Washington, D.C. 20555, 301-492-7373.

Final

Palo Verde Nuclear Generating Sta., Units 1-3, Maricopa County, Ariz., September 29: Proposed is the issuance of construction permits to the Arizona Public Service Corporation for the construction of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3. The station will produce up to 3817 MWt and 1270 MWe (net) of electrical power capacity. The exhaust steam will be cooled by mechanical-draft cooling towers with makeup water obtained from piped sewage effluent from Phoenix. The construction will require the clearing of up to 2500 acres of land. Comments made by: AHP, ISDA, DOC, EPA, HEW, DOT, COE, PFC, DOI, and State and local agencies. (ELR Order No. 51454.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, 720 Edney Building, Chattanooga, Tennessee 37401, 615-755-2002.

Draft

Morton Ranch Uranium Mining, Converse County, Wyo., October 3: The proposed action is the mining of the uranium deposits at Morton Ranch to provide nuclear fuel for TVA's nuclear electricity generating plants. The environmental impacts of the action will consist of land disturbance, fugitive dust generation, discharge of combustion gases, land erosion, some socioeconomic impacts, depression of groundwater levels, an increase in surface water runoff due to dewatering operations, and increased levels of dissolved minerals in rainwater runoff until overburden is reclaimed. (ELR Order No. 51481.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Interchange at Castle Junction, Honolulu County, Hawaii, October 1: The statement concerns the improvement of the intersection of FAP Route 61 and FAP Route 83 in Honolulu. One business and one family may be displaced. The statement includes a 4(f)

statement concerning the public 18-hole Pali Golf Course. The War Memorial may also be displaced. (ELR Order No. 51469.)

I-15W Raft River-Rockland Junction, Cassia and Power Counties, Idaho, September 29: The proposed project is the upgrading to 4 lanes of I-15W from the Raft River Interchange in Cassia County to the Rockland Junction about 2 miles southwest of American Falls in Power County. Total length of the project is 21 miles. Construction would require the displacement of two residences and two utility pipelines. Encroachment into the backwaters of Lake Walcott is possible at two locations along the existing route, and large concrete walls, which would have adverse aesthetic effects, could be constructed. A great amount of cut and fill would be required. (ELR Order No. 51459.)

State Primary Route 146, Worcester County, Mass., September 29: The proposed action is the dualization of State Primary Route 146 from Hartford Turnpike in the Town of Sutton to Mill Street in the Town of Uxbridge and the relocation of Route 146 from Mill Street to the Rhode Island State Line. The improvement is about 13.5 miles in length and will consist of four lanes divided by a median. The project will result in the displacement of 13 families and 2 businesses. (ELR Order No. 51456.)

Omaha North Freeway, Douglas County, Nebr., September 30: The statement concerns the completion of the North Freeway in Omaha from Lake Street to Interstate 680 and an Airport Connector to serve Eppley Airport. The road would be lighted and would be six lanes and four lanes in sections. Length of the freeway project would be approximately five miles and the Airport Connector could vary between approximately one to two and a half miles. Adverse impacts of the project include a large number of displacements of families and businesses and possible use of city park land in the 179 to 217 acres needed for the right-of-way. (ELR Order No. 51464.)

Loop 151, Texarkana, Bowie County, Tex., September 29: The proposed action is the construction on new location of a four-lane divided facility with depressed median and one-way continuous frontage roads over approximately 3.6 miles, from US 82 in Texarkana south to US 59 in Bowie County, Texas. Adverse effects include the displacement of families and businesses, already partially completed, and the commitment of some natural resources. (ELR Order No. 51463.)

Loop 201, Baytown, Texas (Supplement), Harris County, Tex., October 3: Proposed is the construction of Loop 201 from McKinney Road to Ferry Road, a distance of 5.7 miles. The project will consist of a full control of access freeway with three main lanes in each direction, flanked by three lane frontage roads, within a usual 300 foot right of way. An increase in urbanization with related noise and air pollution, is expected adjacent to the corridor as a result of implementing the project. (ELR Order No. 51478.)

Final

I-70, DeBeque-Grand Valley, Mesa and Garfield, Colo., September 29: The project involves the construction of a 37 mile segment of I-70 located in both Garfield and Mesa Counties in west central Colorado. Adverse impacts include acquisition of 820 acres of land for right-of-way, temporary degradation of water quality, increased dust, noise and congestion during construction, and the displacement of eighteen families and nine businesses. Comments made by: EPA, USDA, HEW, DOI, DOT, State agencies, and individuals. (ELR Order No. 51460.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft

Bicentennial Transportation Program, District of Columbia, October 3: The statement concerns federal assistance for a two part Bicentennial Transportation Program. The program consists of a fringe parking lot/bus shuttle from RPK Stadium, North Parking Lot of the Pentagon, and Ft. Myer South Post to the Mall; and special radial bus service along 17 existing bus corridors from outlying areas to downtown. The program will be in effect from March to October 1978. Short term pollution in Fringe parking areas will result, and construction of the 4,000 car parking lot at Ft. Myer South Post will cause temporary negative effects. (ELR Order No. 51477.)

U.S. COAST GUARD

Final

Deepwater Port Regulations, October 3: The statement refers to proposed Federal regulations governing various aspects of the design, construction, and operation of Deepwater Ports, in implementation of the Deepwater Ports Act of 1974. The regulations generally address major design and construction criteria, oil transfer rules, navigation rules, personnel requirements, and equipment and procedures requirements. Comments made by: DOC, COE, FEA, EPA, HEW, HUD, ICC, DOI, DLAB, FPC, TREA, States and organizations. (ELR Order No. 51475.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-27332 Filed 10-9-75; 8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 791]

ASSISTANT GENERAL COUNSEL

Delegation of Authority

OCTOBER 6, 1975.

1. In the event the General Counsel of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the following officer is hereby authorized to exercise and perform all functions, powers, authority, and duties of the General Counsel pertaining to the functions of the Office of the General Counsel:

(1) Assistant General Counsel

2. This order shall be effective on October 6, 1975.

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-27283 Filed 10-9-75; 8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of Title 46 CFR and Section 311(p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate

No.	Owner/operator and vessel
01016...	C. Clausen Dampskibsfart A/S: <i>Cimbria</i> .
01136...	Grand Bay Barge Co.: <i>Grand Bay</i> .
01190...	A/S Gerrards Rederi & A/S Gerrards Rederi II: <i>Gerita</i> .
01192...	Odd Berge Tankrederi A/S: <i>Kollgeir</i> .
01242...	A/S Jensens Rederi II: <i>Cardo</i> .
01244...	Mytilus A.S.: <i>Carpo</i> .
01302...	Boston Fuel Transportation, Inc.: <i>R.T.C. No. 55</i> .
01306...	Shaw Savill & Albion Co. Ltd.: <i>Ganopie</i> .
01328...	Pergamos Shipping Co. Ltd.: <i>Mareva A.S., Theanto A.S.</i>
01341...	John I. Jacobs & Co. Ltd.: <i>Rosewood</i> .
01382...	National Steamship Co. Ltd.: <i>Harpalyceus</i> .
01446...	Scotspark Shipping Co. Ltd.: <i>Scotspark</i> .
01854...	Southern Towing Co.: <i>STC-2005</i> .
01982...	AB Svenska Ostasiatiska Kompaniet: <i>Travancore</i> .
01988...	Angfartysaktiebolaget Tirfing: <i>Nordland</i> .
02182...	Flanigan, Loveland Shipping Co. S.A. & Intercontinent Tankers, Inc.: <i>William T. Steele</i> .
02194...	Compagnie Generale Transatlantique: <i>Ville de Mexico</i> .
02198...	Peninsular & Oriental Steam Navigation Co.: <i>Zaida, Zira</i> .
02284...	Gypsum Transportation Ltd.: <i>Gypsum Queen</i> .
02310...	A/S Oddero m/Flere: <i>Rose</i> .
02330...	Oriental Shipping Corp.: <i>Caspian Trader, Midas Apollo, Midas Seine</i> .
02457...	John Swire & Sons, Ltd.: <i>Papuan Chief</i> .
02602...	Fyffes Group Ltd.: <i>Rio Cobre</i> .
02727...	Societe Maritime Des Petroles BP: <i>Chauumont</i> .
02950...	Tony Barge Co. Inc.: <i>R-101</i> .
02958...	Kawasaki Kisen K.K.: <i>Louisiana Maru, Mississippi Maru</i> .
02961...	Kobe Kisen Kabushiki Kaisha: <i>Costa Rica Maru</i> .
02975...	Venture Shipping (Managers) Ltd.: <i>Diamond Venture</i> .
02976...	Arthur-Smith Corp.: <i>AS 1000C</i> .
03047...	E. I. Du Pont de Nemours & Co.: <i>Hollywood 1003, TCB 306, TCB 307</i> .
03292...	Maritimecor S.A.: <i>Anonacore, Antartico, Beringore, Navelinacore, Nectarinacore, Satsumacore</i> .
03293...	Maritime Fruit Carriers Co. Ltd.: <i>Guavacore</i> .
03404...	Lars Rej Johansen: <i>Joquita</i> .
03424...	Puji Kisen K.K.: <i>Menamu Maru, Sango Maru, Santiago Maru, Takuyo Maru, Yawatan Maru</i> .
03441...	Japan Line K.K.: <i>World Monarch</i> .
03484...	Sanko Kisen K.K.: <i>Geiko Maru</i> .
03501...	Osaka Shosen Mitsui Senpaku K.K.: <i>Taikosan Maru, Tasman Maru</i> .
03517...	Tokyo Kaiji Kabushiki Kaisha: <i>Cosmos-2</i> .
03600...	Bahamas Line, S.A.: <i>Santiago Express</i> .
03636...	Smith-Rice Co.: <i>H.T. 8</i> .
03705...	Grundtads Rederi A/S: <i>Grundo Ove</i> .
03968...	Zim-Israel Navigation Co., Ltd.: <i>Anat, Masal, Opal, Qeshet, Sahar</i> .
03981...	Moran Towing of Puerto Rico, Inc.: <i>Chemical No. 1</i> .
03698...	Weyerhaeuser Co.: <i>Tarheel, Weyerhaeuser II</i> .

Certificate No.	Owner/operator and vessel
04077	Pritzen Schiffsagentur und Bereederungs - G.m.b.H.: Johannes Pritzen.
04186	Flensburger Dampfercompagnie Harald Schuldt & Co.: Glücksburg, Ratzeburg.
04411	The Ulster Steamship Co. Ltd.: Intshoven Head.
04588	Trinity Navigation Corp.: Trinity Shipper.
04977	Royal Tankers, Inc.: Royal Venture.
05006	Petrolaro Shipping Co. Ltd.: Aro, Orico.
05037	Meandros Shipping Development Corp. Special Shipping S.A.: Philippa.
05039	Inland Oil & Transport Co.: IOT 101, IOT 102.
05048	P. Laeiss: Florida Silverbow.
05079	N.V. Gebr. Van Uden's Scheepvaart- & Agentuur M.J.: Parkhaven.
05281	Slade Inc.: S 9003.
05406	Coronet Shipping Ltd.: Vilja.
05537	Empresa Navegacion Mambisa: Bahia De Santiago De Cuba, Matanzas, Pino Del Agua.
05888	Hughes Bros. Inc.: Hughes No. 51, Hughes No. 81, Hughes No. 251, Hughes No. 259.
06193	Tugs and Salvage Inc.: H.C. 105.
06238	Euboean Shipping Co. Inc.: Argo Ellas.
06244	Agrico Chemical Company: BW 1934, Francis.
06260	Empress Shipping Co. Ltd.: Southern Empress.
06511	Associated Shipping Corp. Ltd.: Eastern Reliance.
06599	Philon Special Shipping Societe Anonyme: Clyde Ore.
06903	Sun Shipbuilding and Dry Dock Co.: Great Land.
06951	Southsea Shipping Co. Ltd.: Eugenie Livanos.
07073	Seereederi Howaldt KG.: Edith Howaldt Russ.
07087	Arion Shipping Corp.: Arion.
07230	Hassel Trading Corp.: Silver Constellation.
07246	Anca Shipping Inc.: Sankolight, Sankomoon, Sankostar.
07292	Hinode Kisen Co., Ltd.: Kashihara Maru No. 5.
07382	Marushin Senpaku Kabushiki Kaisha: Ocean Trader.
07399	G. & B. Salvatori: Stolt Desiree.
07529	Cambridge Shipping Co. Ltd.: Aida.
07947	Heiner Braasch Kauffahrtel Reederei Gesellschaft MS Hamburger Wappen KG, Lubeck: Hamburger Wappen.
08056	Cape Breton Shipping Co. Ltd.: Vtes.
08290	San Constantino Compania Armadora y Financiera Co.: Theano.
08622	Impluvio Compania Naviera S.A.: Sophie B.
08894	Maritime Coastal Containers Ltd.: Hansa Bay.
09095	Moreno Shipping Co.: World Prospect.
09224	Greenville Towing Co., Inc.: Tennessee.
09283	New Northern Processors, Inc.: Sonja.
09327	Grand Wisdom Transport Inc.: Grand Wisdom.
09946	Pan Oriental Lines Corp., Panama: Spruce.
09440	Barge Leasing Corp.: EC-12.
10041	Toa Shipping Agencies, Ltd.: Enterprise.

Certificate No.	Owner/operator and vessel
10223	Baldbutte Shipping Co.: Baldbutte.
10280	Hollywood Marine, Inc.: Ellis 544, ST 130, ST 133.
10346	Marine Service of Liberia Inc.: Global Gas.
10402	S & E Shipping Corp.: Frank R. Denton, George E. Seedhouse, Peter Robertsons.

By the Commission.

FRANCIS C. HURNEY,
Secretary.
[FR Doc.75-27340 Filed 10-9-75;8:45 am]

8900 LINES RATE AGREEMENT Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 30, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 1126 Sixteenth Street, N.W., Washington, D.C. 20036.

Agreement No. 8900-8, among the members of the 8900 Lines Rate Agreement, will modify Article 4(a) of the basic agreement by increasing the admission fee for membership from \$5,000 to \$10,000.

By order of the Federal Maritime Commission.

Dated: October 7, 1975.

FRANCIS C. HURNEY,
Secretary.
[FR Doc.75-27347 Filed 10-9-75;8:45 am]

JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE AND NEW YORK FREIGHT BUREAU

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 10, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreements 3103-62 and 5700-25 are substantially similar modifications of, respectively, the Japan/Korea-Atlantic and Gulf Freight Conference's and the New York Freight Bureau's basic agreements which would (1) extend for eighteen months from October 21, 1975 the authority of each to establish "through or joint rate intermodal arrangements"; and (2) the procedures by which individual member lines of each may file their own, independent, intermodal tariffs with the Commission.

By order of the Federal Maritime Commission.

Dated: October 7, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27348 Filed 10-9-75;8:45 am]

SEA LAND SERVICE, INC. AND LKES BROS. STEAMSHIP CO., LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 20, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10182 establishes a self-policing agreement in the trade between United States Gulf of Mexico ports and European ports. It is intended to appoint the Executive Director of the Associated North Atlantic Freight Conferences (Agreement No. 9978) as their exclusive enforcement authority. Under the terms of the agreement, the signatories agree to (1) discuss and confer on non-rate-making matters of common concern relating to and affecting ocean transportation and (2) establish and maintain a self-policing body to police the activities. Provision is made for entry of other conferences and nonconference lines as members.

By order of the Federal Maritime Commission.

Dated: October 6, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27346 Filed 10-9-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8302]

BANGOR-HYDRO ELECTRIC CO.

Further Extension of Procedural Dates

SEPTEMBER 12, 1975.

On September 5, 1975, Eastern Maine Electric Cooperative filed a motion to extend the procedural dates fixed by order issued June 4, 1975, as most recently modified by notice issued June 23, 1975, in the above-designated proceed-

ing. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, September 19, 1975.

Service of Company Rebuttal, October 10, 1975.

Hearing, October 16, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27258 Filed 10-9-75;8:45 am]

[Docket No. ID-1768]

CLAUD FREDERICK DAVIS

Application

OCTOBER 2, 1975.

Take notice that on August 25, 1975, Claud Frederick Davis (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Assistant Controller, Kentucky Utilities Company, Public Utility.
Assistant Controller, Old Dominion Power Company, Public Utility.

Kentucky Utilities Company has its principal place of business at 120 South Limestone Street, Lexington, Kentucky. It is an operating public utility company supplying electric service in 78 counties located in central, southeastern and western Kentucky and one adjoining county in northeastern Tennessee.

Old Dominion Power Company has its principal place of business in Norton, Virginia. It is an operating public utility supplying electric service in five counties located in southwestern Virginia.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27261 Filed 10-9-75;8:45 am]

[Docket No. ER76-151]

DELMARVA POWER & LIGHT CO.

Proposed Changes in Power Supply Agreement

OCTOBER 2, 1975.

Take notice that Delmarva Power & Light Company (Delaware), and Del-

marva Power & Light Company of Maryland (Maryland) and Delmarva Power & Light Company of Virginia (Virginia) (jointly, Delmarva), its wholly-owned subsidiaries tendered for filing proposed changes in the inter-company Power Supply Agreement (Delaware Rate Schedule FPC No. 33 and Supplements No. 2 and 4; Maryland Rate Schedule FPC No. 10 and Supplements No. 2 and 4; Virginia Rate Schedule FPC No. 5 and Supplements No. 2 and 4). Delmarva states that the Power Supply Agreement is fundamentally a self-adjusting cost of service to allocate equitably among the three companies the fixed charges and variable costs of generation and power supply transmission and production materials and supplies for the integrated system. Delmarva alleges that the proposed changes will increase the rate of return aspect of fixed charges to 9.9%, will reduce Delaware production expense by \$1,209,486, and will increase Maryland production expense by \$1,015,388 and Virginia production expense by \$194,098 for 12 months ended October 31, 1975. There is alleged to be no change in aggregate power supply costs or revenues. The proposed effective date is November 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27270 Filed 10-9-75;8:45 am]

[Docket No. CP76-91]

EL PASO NATURAL GAS CO.

Application

OCTOBER 1, 1975.

Take notice that on September 18, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-91 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by conveyance certain pipeline facilities in Greenlee County, Arizona, to Southwest Gas Corporation (Southwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it was authorized to continue operation of its Morenci meter station and related facilities by order of the Commission of January 11, 1944 (4 FPC 486), and that such facil-

ilities are presently utilized for sale and delivery of natural gas to Southwest, as ultimate successor in interest to Farmers Gas Company, for resale in the Morenci, Arizona, area. It is alleged that as a result of the expansion of Phelps Dodge Corporation's Morenci smelter, a segment of Applicant's pipeline and metering facilities serving Southwest are located within the Morenci smelter yard. Applicant states that it would be easier for Southwest to maintain the facilities that are proposed to be conveyed; and further, Applicant would after the conveyance make sales of natural gas to Southwest at the point at which such gas is measured, giving Applicant a more precise control over such deliveries. No interruption, reduction or termination of gas service would result from the proposed conveyance, it is stated.

The facilities proposed to be conveyed are 744 feet of combination of 4½ inch O.D. and 6½ inch pipeline extending from the Morenci "B" meter station to a point of connection with Southwest's existing facilities. The proposed conveyance would allow the facilities to become part of Southwest's system and be used to provide service to the Morenci, Arizona area. Applicant would convey the facilities to Southwest at no cost.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27259 Filed 10-9-75; 8:45 am]

[Docket No. C176-163]

GETTY OIL CO.

Application

OCTOBER 2, 1975.

Take notice that on September 4, 1975, Getty Oil Company (Applicant), P.O. Box 1404, Houston, Texas 77001, filed in Docket No. C176-163 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale for resale of natural gas in interstate commerce to Skelly Oil Company (Skelly) from the Blinberry, et al., Fields, Lea County, New Mexico, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon the sale of natural gas to Skelly from the Blinberry, et al., Fields because effective September 1, 1975, the New Mexico Oil Conservation Commission reclassified a well in said field from an oil well to a gas well. Applicant states further that casinghead gas from said well is dedicated to Skelly under a percentage-type contract and gas-well gas is dedicated to El Paso Natural Gas Company pursuant to Applicant's FPC Gas Rate Schedule No. 43.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27271 Filed 10-9-75; 8:45 am]

[Docket No. ID-1766]

THOMAS J. HURCOMB

Application

OCTOBER 2, 1975.

Take notice that on July 30, 1975, Thomas J. Hurcomb (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Position	Name of corporation	Classification
Vice president	Central Vermont Public Service Corp.	Public utility.
Do	Connecticut Valley Electric Co., Inc.	Do.

The addresses of the principal places of business of the above named companies are as follows:

Name	Address
Central Vermont Public Service Corp.	77 Grove St., Rutland, Vt.
Connecticut Valley Electric Co., Inc.	20 Tremont Sq., Claremont, N.H.

Central Vermont Public Service Corporation is part of a public utility holding company system consisting of Central Vermont Public Service Corporation and its active subsidiaries, Connecticut Valley Electric Company Inc., Vermont Electric Power Company, Inc., and C. V. Realty, Inc. It also owns stock in the Vermont Yankee Nuclear Power Corporation.

The principal business of Central Vermont Public Service Corporation is the generation and purchase of electric energy and its transmission, distribution and sale for light, power, heat and other purposes to about 95,616 customers in Middlebury, Randolph, Rutland, Springfield, Windsor, Bradford, Bennington, Brattleboro, St. Johnsbury, St. Albans, Woodstock and 163 other towns and villages in Vermont.

The principal business of Connecticut Valley Electric Company, Inc. is the purchase of electricity and its transmission, distribution and sale for light, power, heat, and other purposes to about 8,238 customers in Claremont and 18 other towns and villages in New Hampshire.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining

ing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27268 Filed 10-9-75; 8:45 am]

[Docket No. ER76-143]

ILLINOIS POWER CO.

Filing Modification No. 1 to Interconnection Agreement

OCTOBER 2, 1975.

Take notice that Illinois Power Company (Illinois Power) on September 22, 1975, tendered for filing proposed Modification No. 1 to the Interconnection Agreement dated August 5, 1974, between Illinois Power and the Village of Freeburg. Modification No. 1 proposes that effective September 1, 1975, Section 3 (Short-Term Firm Capacity and Energy) and Section 5 (Maintenance Power), of Article IV (Service to be Rendered and Rates) be modified as follows:

(i) Increase the reservation charge for Short-Term Firm Capacity from 10 cents to 11 cents per day or 50 cents to 55 cents per week for each kilowatt of power reserved.

(ii) Increase the reservation charge for Maintenance Power from 8 cents to 9 cents or 40 to 45 cents per week for each kilowatt of power reserved.

(iii) In case of curtailment of Maintenance Power, the reservation charge shall be reduced 9 cents in lieu of 8 cents per day but no more than 45 cents in lieu of 40 cents per week for each kilowatt of reserved power curtailed.

The 55 cents rate per kilowatt per week for Short-Term Firm Capacity maintains a differential between Firm Capacity and Maintenance Power identical to that existing under the original agreement. This differential is to compensate for the reserve component included in furnishing firm capacity.

Any person desiring to be heard or to protect said Application should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this Application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27262 Filed 10-9-75; 8:45 am]

[Docket No. E-7477]

KANSAS CITY POWER & LIGHT CO.

Application

OCTOBER 2, 1975.

Take notice that on September 25, 1975, Kansas City Power & Light Company (Applicant) filed a fifth supplemental application seeking authority pursuant to Section 204 of the Federal Power Act to issue up to \$75,000,000 principal amount of short-term, unsecured promissory notes to be outstanding at any one time, of which aggregate amount a maximum of \$36,000,000 may be in the form of commercial paper, said notes to be issued not later than December 31, 1976, with maturities not later than December 31, 1977. By prior supplemental order issued November 11, 1974, the Commission authorized Applicant to issue prior to December 31, 1975, up to \$75,000,000 short-term promissory notes to be outstanding at any one time, of which aggregate amount up to \$36,000,000 could be in the form of commercial paper, with final maturities not later than December 31, 1976.

Applicant is incorporated under the laws of the State of Missouri with its principal business office at Kansas City, Missouri, and authorized to do business in the State of Kansas.

The interest rate applicable to the promissory notes will be, in the case of demand notes issued to commercial banks, the prime rate in effect at the time of issuance; in the case of notes issued to commercial paper dealers, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with regular purchasers of such commercial paper for their own accounts, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with regular purchasers of such commercial paper for their own accounts, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity placed directly by the issuer thereof. The Applicant contemplates the issuance of promissory notes, including the "roll-over" of commercial paper promissory notes, without further application to this Commission, at any time and from time to time prior to December 31, 1976, each of such notes to have a maturity date of not later than December 31, 1977.

The proceeds will be used to finance in part Applicant's construction program to December 31, 1977. The continuation of the authorization to issue up to \$75,000,000 and the authorization of the Applicant to issue said notes not later than December 31, 1976, and extending the maturity of said notes to not later than December 31, 1977, will allow the Applicant more freedom in selecting the appropriate times under market conditions to fund its short-term debt.

Any person desiring to be heard or to make any protest with reference to the application should, on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27272 Filed 10-9-75; 8:45 am]

[Docket No. RP72-32 (PGA 76-1)]

KANSAS-NEBRASKA NATURAL GAS CO.

PGA Filing

OCTOBER 2, 1975.

Take notice that on September 28, 1975, Kansas-Nebraska Natural Gas Company (K-N) tendered for filing the Substitute Fourth Revised Sheet No. PGA-1 to its FPC Gas Tariff, Second Revised Volume No. 1. The new tariff sheet reflects an increase in K-N's purchased gas costs. The proposed effective date is December 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27273 Filed 10-9-75; 8:45 am]

[Docket No. ID-1588]

CHARLES S. MCNEER

Supplemental Application

OCTOBER 2, 1975.

Take notice that on September 11, 1975, Charles S. McNeer (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director & President, Wisconsin Electric Power Company, Public Utility.
Director & President, Wisconsin Michigan Power Company, Public Utility.

Wisconsin Electric Power Company has its principal place of business at 231 West Michigan Street, Milwaukee, Wisconsin 53201. It is principally engaged in the generation, transmission and distribution of electricity. The company furnishes electric service to 223 communities in southeastern Wisconsin embracing an area of about 4,015 square

miles and an estimated population of 1,927,000. It also sells power at wholesale and supplies steam for heating a portion of the downtown business section of Milwaukee.

Wisconsin Michigan Power Company has its principal place of business at 231 West Michigan Street, Milwaukee, Wisconsin 53201. The Company is principally engaged in the generation transmission and distribution of electricity in the Fox River Valley and Northern Wisconsin and in the upper Peninsula of Michigan. The Electric Service Territory embraces an area of approximately 8,630 square miles and a population estimated at 245,000. Electric service is furnished in 173 communities, of which 107 are in Wisconsin and 66 in Michigan. It sells power at wholesale, and in addition, is engaged in the distribution of natural gas to 3 Wisconsin cities and surrounding areas with an estimated population of 128,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27280 Filed 10-9-75; 8:45 am]

[Docket No. RP75-06]

MICHIGAN-WISCONSIN PIPELINE CO. Further Extension of Time

OCTOBER 2, 1975.

On September 12, 1975, Michigan Consolidated Gas Company filed a motion to extend the procedural dates fixed by order issued May 19, 1975, as most recently modified by notice issued August 29, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, November 10, 1975.

Service of Intervenor Testimony, December 10, 1975.

Service of Company Rebuttal, January 5, 1976.

Hearing, January 20, 1976 (10 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27284 Filed 10-9-75; 8:45 am]

[Docket Nos. RP72-149, PGA75-12a]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

OCTOBER 3, 1975.

Take notice that Mississippi River Transmission Corporation (Mississippi) on September 24, 1975, submitted for filing alternate Thirty-Third Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective October 1, 1975.

The instant filing is being made pursuant to Mississippi's purchased gas cost adjustment clause and, according to Mississippi, is being submitted to maintain the proper pagination sequence in connection with the Commission's acceptance of alternate second substitute Thirty-Second Revised Sheet No. 3A, effective August 2, 1975. Mississippi states that the underlying computations previously submitted with Thirty-Third Revised Sheet No. 3A on August 20, 1975, to become effective October 1, 1975, are not affected by this newly submitted tariff sheet. Mississippi states further that it has mailed a copy of this tariff sheet to each of its jurisdictional customers and to the State Commissions of Arkansas, Illinois, and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27278 Filed 10-9-75; 8:45 am]

[Docket No. RP76-4]

NATIONAL FUEL GAS SUPPLY CORP. Revised Notice of Proposed Changes in FPC Gas Tariff

OCTOBER 2, 1975.

Take notice that National Fuel Gas Supply Corporation ("National"), on August 15, 1975, as corrected on September 22, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by \$11,905,000, based on the 12 month period ending April 30, 1975, as adjusted.

National states that the increased rates are required to recoup increased

costs incurred in operating and maintaining its system, including, but not limited to, increased cost of capital, increased depreciation due to increases in depreciation rates, and increased wages and other operation and maintenance expenses. The rates proposed reflect an overall rate of return of 10.2%. The filing also reflects a continuing decline in National's gas supply with a consequent reduction in annual sales volumes. Further, National states that the proposed rates do not include the appropriate surcharge as provided by its purchased gas adjustment clause. At such time as the increased rates are to become effective National will make the appropriate filing to reflect the applicable surcharge adjustment in effect at that time.

National states that it has included in this filing costs applicable to facilities to be acquired from the Sylvania Corporation pursuant to the proposed merger of Sylvania and National which is the subject of Docket No. CP75-344. National further states that if a certificate of public convenience and necessity in Docket No. CP75-344 is not issued prior to the expiration of the suspension period in this proceeding, it will file revised tariff sheets reflecting the elimination of costs applicable to Sylvania.

By letter dated September 12, 1975, the Commission's Secretary advised National that its filing was deficient inasmuch as it was based in part upon changes in costs and sales volumes which will become effective more than 9 months after the last month of available actual experience, and that no filing date will be assigned to the rate change application until the above referenced deficiencies are corrected. On September 22, 1975, National submitted material correcting its filing to eliminate adjustments for changes in costs and sales volumes which will become effective more than 9 months after the last month of available actual experience. National's August 15, 1975 filing had a proposed effective date of October 1, 1975. National requests waiver of the Commission's regulations to permit its filing, as corrected on September 22, 1975, to become effective on October 1, 1975 as originally proposed.

National states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio, and Pennsylvania.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must

file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27264 Filed 10-9-75; 8:45 am]

[Docket Nos. RP71-125, PGA76-1, PGA76-2]
NATURAL GAS PIPELINE COMPANY OF AMERICA

PGA Filing To Track Pipeline Supplier Rate Increases

OCTOBER 2, 1975.

Take notice that on September 19, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets:

To be effective

3rd revised substitute 24th Nov. 1, 1975,
revised sheet No. 5.
4th revised substitute 24th Nov. 14, 1975,
revised sheet No. 5.

Natural states that the filing was made pursuant to the provisions of Section 18, Purchased Gas Cost Adjustment, of the General Terms and Conditions of its FPC Gas Tariff, to track increases in the cost of gas purchased from Great Lakes Gas Transmission Company. Great Lakes' filed on September 16, to reflect an increase in the cost of Canadian gas to be effective November 1, 1975, and on September 17, Great Lakes filed its Motion and Undertaking in Docket No. RP75-94 to place rates into effect November 14, 1975, subject to refund.

Natural states that as notice of Great Lakes' filing to be effective November 1, was not received by Natural in time to permit it to meet the 45 day filing requirement of its PGA tariff provision, it requests that that provision be waived to the extent necessary to permit Natural's PGA adjustment tracking that increase to become effective coincident with Great Lakes' filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27275 Filed 10-9-75; 8:45 am]

[Docket No. ER76-147]

NEW BEDFORD GAS & EDISON LIGHT CO., ET AL.

Filing of Supplemental Data

OCTOBER 2, 1975.

Take notice that on September 22, 1975, New Bedford Gas and Edison Light Company (New Bedford) tendered for filing on behalf of itself, Montaup Electric Company, and Boston Edison Company supplemental data pertaining to their applicable gross investments, combined Federal income and franchise tax rates, and local tax rates for the twelve month period ending December 31, 1974. New Bedford states that this supplemental data is submitted pursuant to a Commission letter order dated April 26, 1973 in Docket No. E-7981 accepting for filing New Bedford's Rate Schedule F.P.C. No. 21, Boston Edison Company's Rate Schedule F.P.C. No. 67, and Montaup Electric Company's Rate Schedule F.P.C. No. 27.

New Bedford states that these rate schedules have previously been supplemented twice by the submission of comparable data for the calendar years 1972 and 1973. Said supplements were accepted for filing by Commission letter orders dated July 12, 1974, in Docket No. E-8495 and dated February 3, 1975, in Docket No. E-9193, respectively.

New Bedford states that these rate schedules have been modified by a submittal dated October 16, 1974. The amendatory agreement then filed, pertaining to a modification to the method of determining charges to be billed by New Bedford to the other parties hereto, was accepted for filing by Commission letter order dated January 16, 1975 in Docket No. E-9076.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27265 Filed 10-9-75; 8:45 am]

[Docket No. E-9039]

NORTHERN STATES POWER CO.

Further Extension of Procedural Dates

OCTOBER 2, 1975.

On September 25, 1975, Northern States Power Company filed a motion to

extend the procedural dates fixed by order issued August 1, 1975, as most recently modified by notice issued September 8, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Conference concerning supplemental data, November 25, 1975.
Service of Company Testimony, January 6, 1976.
Service of Staff Testimony, February 6, 1976.
Service of Intervenor Testimony, February 20, 1976.
Service of Company Rebuttal, March 5, 1976.
Hearing, March 30, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27276 Filed 10-9-75; 8:45 am]

[Docket No. ID-1612]

LEONARD A. O'CONNOR

Supplemental Application

OCTOBER 2, 1975.

Take notice that on August 6, 1975, Leonard A. O'Connor filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Position	Name of Corporation	Classification
Vice President	The Connecticut Light & Power Company	Public Utility.
Vice President	The Hartford Electric Light Company	Public Utility.
Vice President	Western Massachusetts Electric Company	Public Utility.
Vice President	Holyoke Water Power Company	Public Utility.
Vice President	Holyoke Water & Electric Company	Public Utility.

The addresses of the principal places of business of the above named companies are as follows:

Name of Company	Address of Principal Place of Business
The Connecticut Light and Power Company	Selden Street, Berlin, Conn.
The Hartford Electric Light Company	176 Cumberland Ave., Wethersfield, Conn.
Western Massachusetts Electric Company	174 Brush Hill Ave., West Springfield, Mass.
Holyoke Water Power Company	One Canal Street, Holyoke, Mass.
Holyoke Power and Electric Company	One Canal Street, Holyoke, Mass.

All of Applicant's positions are in companies which are members of the Northeast Utilities holding company system.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate

action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27263 Filed 10-9-75;8:45 am]

[Docket No. ER76-155]

**OTTER TAIL POWER CO.
Agreement**

OCTOBER 2, 1975.

Take notice that on September 29, 1975, Otter Tail Power Company (Otter Tail) tendered for filing an Integrated Systems Scheduling and Dispatching Agreement between it and Central Power Electric Cooperative dated August 21, 1975. Otter Tail states that the Agreement fulfills the provisions of Section 6.2, Operating and Maintenance, of the Contract for Electric Service, Integrated Systems, Supplement No. 7, Rate Schedule, FPC No. 171. Otter Tail indicates that the Agreement provides that Central Power will pay its proportionate share of Otter Tail's dispatching and scheduling costs.

Otter Tail requests that the notice requirements be waived and the Agreement be given an effective date of January 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27277 Filed 10-9-75;8:45 am]

[Docket No. ID-1669]

**SEYMOUR H. ROBINSON
Supplemental Application**

OCTOBER 2, 1975.

Take notice that on July 30, 1975, Seymour H. Robinson (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Position	Name of corporation	Classification
Senior vice president,	Central Vermont Public Service Corp.	Public utility.
Vice president—operations and construction, and director.	Connecticut Valley Electric Co., Inc.	Do.

The addresses of the principal places of business of the above named companies are as follows:

Name	Address
Central Vermont Public Service Corp.	77 Grove St., Rutland, Vt.
Connecticut Valley Electric Co., Inc.	20 Tremont Sq., Claremont, N.H.

Central Vermont Public Service Corporation is part of a public utility holding company system consisting of Central Vermont Public Service Corporation and its active subsidiaries, Connecticut Valley Electric Company Inc., Vermont Electric Power Company, Inc. and C. V. Realty, Inc. It also owns stock in the Vermont Yankee Nuclear Power Corporation.

The principal business of Central Vermont Public Service Corporation is the generation and purchase of electric energy and its transmission, distribution and sale for light, power, heat and other purposes to about 95,616 customers in Middlebury, Randolph, Rutland, Springfield, Windsor, Bradford, Bennington, Brattleboro, St. Johnsbury, St. Albans, Woodstock and 163 other towns and villages in Vermont.

The principal business of Connecticut Valley Electric Company, Inc. is the purchase of electricity and its transmission, distribution and sale for light, power, heat, and other purposes to about 8,238 customers in Claremont and 18 other towns and villages in New Hampshire.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27266 Filed 10-9-75;8:45 am]

[Docket Nos. E-9007, E-9054]

TAMPA ELECTRIC CO.

Motion To Terminate Proceedings

OCTOBER 2, 1975.

Take notice that on September 23, 1975, Tampa Electric Company (Tampa) filed a motion in the above-captioned dockets requesting that all further proceedings therein be terminated and that the proposed changes in rates and charges applicable to the Lakeland Interchange described in Docket No. E-9054 be accepted as the lawful rate effective as of May 5, 1975, without refund obligation. In support of its motion, Tampa recites that there are presently no intervenors in these proceedings and states that the instant motion follows a conference of June 19, 1975, between Tampa and the Commission Staff and subsequent exchanges of information which have led to the resolution of all relevant issues.

Any person desiring to be heard or to protest said motion should file a petition to intervene or protest with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the motion are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27267 Filed 10-9-75;8:45 am]

[Docket No. RI76-37]

UNION OIL COMPANY OF CALIFORNIA

Order Providing for Hearing

OCTOBER 3, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter II], and the Commission's Rules of Practice and Procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respond-

ent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought

to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf ²		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate ³	
RI76-37...	Union Oil Co. of California...	103	17	United Gas Pipe Line Co. (Off-shore) (Louisiana).	\$13,795	9-5-75		9-6-75	\$21.875	\$22.5314	

¹ Unless otherwise stated, the pressure base is 15.025 lb/in².

² Applicable to well No. 17, OSC-0196 lease.

³ Subject to British thermal unit adjustment.

⁴ Includes 0.516/Mcf gathering allowance.

⁵ Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

APPENDIX A

The subject gas is being produced from a well which was dually completed in 1965 in the 8,500' A Sand and the 7,500' Sand. In 1970, the 7,500' Sand completion was sanded up and the 7,400' Sand was opened to production. In February of 1973, the 7,400' Sand also sanded up and went off production. Subsequently, the 8,500' Sand went off production due to possible collapsed tubing and sand bridges. In 1975, an attempted clean-out and recompletion of the well resulted in a junked hole. In order to recomplete the well in the 7,500' Sand to recover the remaining gas, it was necessary for Union to set a permanent whipstock, mill a window in the casing, and drill approximately 200 additional feet.

Union contends that, due to the extensive work required, which involved directional drilling versus the normal recompletion, the recompletion of this well in the 7,500' Sand qualifies such well as a new well commenced on or after January 1, 1973, and gas sold therefrom is entitled to the national rate pursuant to Opinion No. 699-II.

Union Oil Company's proposed rate increase is suspended for one day from the date of filing pending determination as to whether subject well is a new well under Opinion No. 699, as amended.

Union shall file on or before October 24, 1975, an affidavit explaining in detail all of the facts which support its contention that the subject well is a new well under Opinion No. 699, as amended. In the alternative, Union may show in its affidavit that it is entitled to special relief based on the costs incurred by it in connection with the subject sale.

[FR Doc.75-27279 Filed 10-9-75; 8:45 am]

[Docket No. ER76-150]

WISCONSIN PUBLIC SERVICE CORP. Tariff Change

OCTOBER 2, 1975.

Take notice that Wisconsin Public Service Corporation, on September 25, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff No. 3, No. 6, No. 7, No. 9, No. 13, No. 24, No. 25, and No. 27. The proposed changes would increase revenues from jurisdictional sales and service by \$1,186,277 based on the 12-month period ending August 31, 1976.

Wisconsin Public Service Corporation states that the proposed rate increase is necessary to meet rising financial and operating costs. The proposed effective date of the rates contained in the filing is November 25, 1975.

Copies of the filing were served upon the public utility's jurisdictional customers, the Public Service Commission of Wisconsin, and the Public Service Commission of Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20423, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-27269 Filed 10-9-75; 8:45 am]

[Docket No. CS71-6]

NORTHERN NATURAL GAS CO. AND JOHN L. CRAWFORD, ET AL. Notice Rescheduling Prehearing Conference

OCTOBER 6, 1975.

On October 2, 1975, Dow Chemical Company and Dan J. Harrison, Jr., et al., filed a motion to reschedule the prehearing conference set by order issued September 26, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date of the prehearing conference in the above matter is changed from October 16, 1975, to October 10, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27379 Filed 10-9-75; 8:45 am]

LEGAL SERVICES CORPORATION

APPROPRIATIONS AND AUDIT COMMITTEE

Meeting

OCTOBER 9, 1975.

The next meeting of the Committee on Appropriations and Audit of the Board of Directors of the Legal Services Corporation will be on Thursday, October 16, 1975 in the conference room of the Corporation's offices, 733 15th Street, N.W., Suite 700, Washington, D.C.

The meeting will begin at 9:30 a.m. and will be for the purpose of discussing the allocation of the \$88 million appropriated by Congress for FY 1976; considering submission of a supplemental budget justification for FY 1977.

The meeting is open to the public.

ROGER C. CRAMPTON,
Chairman.

[FR Doc.75-27608 Filed 10-9-75; 11:22 am]

BY-LAWS AND REGULATIONS COMMITTEE

Meeting

OCTOBER 9, 1975.

The next meeting of the Committee on By-Laws and Regulations of the Board of Directors of the Legal Services Corporation will be held on Sunday, October 19 and Monday, October 20, 1975, in the conference room of the Corporation's new offices, 733-15th Street, N.W., Suite 700, Washington, D.C.

The meetings will begin at 7:30 p.m. on Sunday and 9:00 a.m. on Monday and will be for the purpose of discussing proposed Freedom of Information Act regulations which were published in the FEDERAL REGISTER on September 12, 1975 (40 FR 42374-77); the creation of State Advisory Councils; and a schedule for issuing future regulations.

The meetings are open to the public.

ROGER C. CRAMPTON,
Chairman.

[FR Doc.75-27609 Filed 10-9-75; 11:22 am]

NATIONAL SCIENCE FOUNDATION ADVISORY PANEL ON THE MATERIALS RESEARCH LABORATORIES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

1. Name: Advisory Panel on the Materials Research Laboratories.
2. Date: October 30 and 31, 1975.
3. Time: 9 a.m. each day.
4. Place: Rm. 642, National Science Foundation, 1800 G Street NW., Washington, D.C.
5. Type of meeting: Closed.
6. Contact person: Dr. R. J. Wasilewski, Head Materials Research Laboratory Section, Rm. 408, National Science Foundation, Washington, D.C., 20555, telephone 202/632-7408.
7. Purpose of advisory panel: To provide advice and recommendations concerning support for Materials Research Laboratories.
8. Agenda: To review and evaluate individual research proposals.
9. Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.
10. Authority to close meeting: These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation, dated February 21, 1975, pursuant to the provisions of Section 10(d) of Public Law 92-463.

M. R. WINKLER,
Acting Committee
Management Officer.

OCTOBER 7, 1975.

[FR Doc.75-27285 Filed 10-9-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-295, 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 15 and 12 to Facility Operating Licenses No. DPR-39 and DPR-48 issued to Commonwealth Edison Company which revised Technical Specifications for operation of the Zion Station, Units 1 and 2, located in Zion, Illinois. The amendments become effective 30 days after the date of issuance.

The amendments revise the reporting requirements of the Technical Specifications for the Zion Station, Units 1 and 2.

The application for the amendments complies with the standards and require-

ments of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated December 19, 1974, (2) Amendments No. 15 and 12 to Licenses No. DPR-39 and DPR-48, with Change No. 15, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Operating Reactors Branch #1,
Division of Reactor Licensing.

[FR Doc.75-27245 Filed 10-9-75;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc. (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility), a pressurized water reactor, located in Westchester County, New York and authorized for operation at power levels up to 2758 MW.

In accordance with the licensee's application for a license amendment, dated July 23, 1975, the amendment would modify the Technical Specifications by providing additional conditions for the storage of the spent fuel. The amendment would also permit modification of the spent fuel element storage pool in order to provide for additional storage capacity for spent fuel in accordance with the licensee's proposal dated March 4, 1975, as supplemented on May 9, July 23, August 19, September 11, and October 1, 1975.

Prior to issuance of the proposed license amendment and prior to approval of the proposed modification, the Commission will have made the findings required by the Atomic Energy Act of 1954,

as amended (the Act), and the Commission's rules and regulations. The license amendment and the modification to the spent fuel element storage pool will not be approved until the Commission has reviewed the safety aspects and has concluded that approval of the license amendment and the modification will not be inimical to the common defense and security or to the health and safety of the public.

By November 10, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to issuance of the amendment to the facility operating license and to the approval of the modification to the facility spent fuel element storage pool. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Leonard M. Trosten, Esquire, 1757 N Street NW., Washington, D.C. 20036, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensee's application for amendment dated July 23, 1975, and pro-

posal to modify the spent fuel pool dated March 4, 1975, as supplemented on May 9, July 23, August 19, September 11, and October 1, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch #4, Division of Reactor Licensing.

[FR Doc.75-27244 Filed 10-9-75;8:45 am]

REGULATORY GUIDES Issuance and Availability

The Nuclear Regulatory Commission has issued relatively limited revisions to three guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.8, Revision 1, "Personnel Selection and Training," describes a method acceptable to the NRC staff of implementing the Commission's regulations with regard to personnel qualifications. This guide generally endorses ANSI N18.1-1971, "Selection and Training of Nuclear Power Plant Personnel." Regulatory Guide 8.8, Revision 1, "Information Relevant to Maintaining Occupational Radiation Exposure As Low As Is Reasonably Achievable (Nuclear Power Reactors)," outlines the information relevant to maintaining occupational doses as low as is reasonably achievable needed by the NRC staff in license applications and safety analysis reports for nuclear power reactors. Regulatory Guide 8.10, Revision 1, "Operating Philosophy for Maintaining Occupational Radiation Exposures As Low As Is Reasonably Achievable," describes to licensees a general operating philosophy acceptable to the NRC staff as a necessary basis for a program of maintaining occupational exposures to radiation as low as is reasonably achievable.

These guides have undergone limited revisions to provide consistency with regard to qualifications for individuals re-

sponsible for conducting radiation protection programs. Regulatory Guide 8.8 is presently undergoing a major revision and will be reissued when this revision has been completed.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guides 1.8, Revision 1; 8.8, Revision 1; and 8.10, Revision 1, will, however, be particularly useful in evaluating the need for early revisions if received by December 8, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

- Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
- Protection Against Postulated Events and Accidents Outside of Containment.
- Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
- Maintenance of Water Purity in PWR Secondary Systems.
- Criteria for Heatup and Cooldown Procedures.
- Effects of Residual Elements on Predicted Radiation Damage.
- Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
- Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
- Design Load Combinations for Component Supports.
- Interim Guide on Tornado Missiles.
- Criteria for Plugging Steam Generator Tubes.
- Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
- Overhead Crane Handling Systems for Nuclear Power Plants.
- Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
- Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure.
- Posttensioned Prestressing Systems for Concrete Reactor Vessels and Containment.
- Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.
- Loose Parts Monitoring Program for the Primary System.
- Tornado Design Classification.
- Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.

Protective Coatings for Light-Water Reactor Containment Facilities.

Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.

Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.

Fire Protection Criteria for Nuclear Power Plants.

Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.

Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.

Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.

Quality Assurance Requirements for Lifting Equipment.

Maintenance and Testing of Batteries.

Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.

Seismic Qualification of Class I Electric Equipment.

Fuel Oil Systems for Standby Diesel Generators.

Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.

Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.

Containment Isolation Provisions.

Instrument Spans and Setpoints.

Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.

Periodic Testing of Diesel Generators.

Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.

Quality Assurance Program Requirements for Nuclear Power Plant Fuels.

Testing of Nuclear Air Cleaning Systems.

Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.

Design Criteria for Overload Protection of Motor-Operated Valves.

Identification of Materials, Parts, and Components for Nuclear Power Plants.

Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.

Protection of Nuclear Power Plants Against Industrial Sabotage.

Emergency Planning for Nuclear Power Plants.

Control Room Manning.

Flood Protection for Nuclear Power Plants.

Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.

Spill Analysis—Dispersion and Dilution in Surface and Ground Water.

Design Objectives for LWR Spent Fuel Facilities.

Design Objectives for LWR Fuel Handling Systems.

Other Division 8 Regulatory Guides currently being developed include the following:

Surface Contamination Limits.

Dosimetry for Criticality Accidents.

Performance Specification for Reactor Emergency Monitoring Instrumentation.

Personnel Neutron Dosimeters.

Acceptable Programs for Respiratory Protection.

Bioassay for Plutonium.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 2nd day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 75-27246 Filed 10-9-75; 8:45 am]

[Docket Nos. STN 50-516 and STN 50-517]

**LONG ISLAND LIGHTING CO.; JAMESPORT
NUCLEAR POWER STATION, UNITS 1
AND 2**

**Availability of Final Environmental
Statement**

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed Jamesport Nuclear Power Station, Units 1 and 2, by the Long Island Lighting Company in Suffolk County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Riverhead Free Library, 330 Court Street, Riverhead, New York. The final Environmental Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York, and at the Tri-State Regional Planning Commission, 100 Church Street, New York, New York.

The notice of availability of the Draft Environmental Statement for the Jamesport Nuclear Power Station, Units 1 and 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on February 12, 1975 (40 FR 6545). The comments received from Federal, State, local, and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-75/979 may be purchased, at \$10.00 for printed copies and \$2.25 for microfiche, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Rockville, Maryland, this 6th day of October 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects
Branch 4, Division of Reactor
Licensing.

[FR Doc. 75-27428 Filed 10-9-75; 8:45 am]

[Docket Nos. STN-50-518; STN-50-519;
STN-50-520; STN-50-521]

**TENNESSEE VALLEY AUTHORITY
(HARTSVILLE NUCLEAR PLANTS,
UNITS 1A, 2A, 1B AND 2B)**

Evidentiary Hearing

Pursuant to the Notice of Hearing on Tennessee Valley Authority's application for construction permits, dated October 16, 1974, and in accordance with the schedule set forth in Special Pre-

hearing Conference Order #2, dated August 18, 1975, an evidentiary hearing in the above-identified proceedings will be held before an Atomic Safety and Licensing Board (the Board) to consider issues pursuant to the Atomic Energy Act of 1954, as amended.

It is ordered that the evidentiary hearing shall be convened on Tuesday, October 21, 1975 at 10 a.m. local time, at the Trousdale County Courthouse in Hartsville, Tennessee. Preliminary matters, opening statements by the parties, and five-minute statements by persons who have qualified for limited appearances in this matter and who live in the Hartsville area, or who find it convenient to appear there, will be heard on October 21, 1975, from 1 p.m. to 8 p.m. (arrangements may be made with the Board Clerk for a time certain at which to be heard). A second day of hearings will be held on October 22, 1975 at Hartsville, Tennessee, if it is found necessary, in order to hear all persons who made limited appear-

ances. However, if all of the persons, making limited appearances, are heard on October 21, 1975, the hearings will be moved to Conference Room (A761), United States Courthouse, 8th Avenue and Broad Street, Nashville, Tennessee 37203, where they will continue on October 22, 1975 at 10 a.m. in accordance with the schedule set out below. Persons who have made limited appearances and who reside in the Nashville area, or who find it convenient to be heard there, will be given the opportunity to state their views, from 1 p.m. to 8 p.m. on Thursday, October 23, 1975 in Conference Room A961. Arrangements may be made with the Board Clerk during the October 22nd session from 10 a.m. to 4 p.m. to be heard at a time certain between 1 p.m. and 8 p.m. on October 23, 1975.

The Public is invited to attend any of these scheduled hearings.

The schedule below will be adhered to insofar as possible:

Hartsville.....	Oct. 21, 1975, 10 a.m. to 12 m.....	Preliminary matters and opening statements.
Trousdale County Courthouse.....	Oct. 21, 1975, 1 p.m. to 8 p.m.....	Limited appearances of 5 min each.
U.S. Courthouse, Conference Room (A761), Nashville.....	Oct. 22, 1975, 10 a.m. to 4 p.m.....	Limited appearances.
U.S. Courthouse, Conference Room (A961), Nashville.....	Oct. 23, 1975, 10 a.m. to 12 m.....	Applicant will start case in chief.
Do.....	Oct. 23, 1975, 1 p.m. to 8 p.m.....	Continue hearing of applicant's case in chief.
U.S. Courthouse, Conference Room (A761), Nashville.....	Oct. 24, 1975, 10 a.m. to 4 p.m.....	Statement of views by persons making limited appearances.
U.S. Courthouse (Courtroom #1), Nashville.....	Oct. 25-30, 10 a.m. to 4 p.m.....	Applicant's case in chief continued.
U.S. Courthouse (place to be announced).....	Nov. 4-7, 10 a.m. to 4 p.m.....	Evidentiary hearing sessions.
		Evidentiary sessions:

¹ If all persons making limited appearances in the Hartsville area are heard on Oct. 21, 1975, the evidentiary hearings will be moved to Conference Room (A761), U.S. Courthouse, Nashville, on Oct. 22, 1975.

² A session will be held in Nashville on Oct. 22, 1975, only if there are no more limited appearances to be heard in Hartsville, Tenn.

It is so ordered.

For the Atomic Safety & Licensing Board.

Dated at Bethesda, Maryland this 6th day of October 1975.

JOHN F. WOLF,
Chairman.

[FR Doc. 75-27429 Filed 10-9-75; 8:45 am]

**OFFICE OF MANAGEMENT AND
BUDGET**

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 6, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Air Force: Organizational Climate Survey Instrument, single-time. University-level faculty members, National Security Division, Harry B. Sheftel, 395-4734.

Departmental and other: Questionnaire on Packaging of Materiel, single-time, Defense contractors, Harry B. Sheftel.

**DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE**

Office of the Secretary:

Pre-test, post-test, and followup survey forms for course on self-care and patient participation, OS-52-75, Other (See SF-83) Medicare & Medicaid Recipients in D.C., Human Resources Division, Caywood, D. P., 395-3532.

DEPARTMENT OF TRANSPORTATION

Departmental and other: Radial Freeways and the growth in office space in central cities questionnaire, single-time, office bldg. owners, renters & workers, Strasser, A., 395-5867.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Statement of Personal History (Security Questionnaire): GSA 176, on occasion, contract employees, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Potato Processing Inquiry, monthly, potato processors, Lowry, R. L., 395-3772.
Packers and Stockyards Administration: Regulations—business dealings of packers and live poultry dealers and handlers with poultry growers and sellers, PSA 216, on occasion, poultry slaughtering firms, Lowry, R. L., 395-3772.

EXTENSIONS

NATIONAL CREDIT UNION ADMINISTRATION

Financial and Statistical Report (Federally—Insured State Chartered Credit Unions), NCUA 5304, annually, State Credit Unions, Caywood, D. P., 395-3443.

Financial and Statistical Report (Federal Credit Unions), NCUA 5300, annually, Federal Credit Unions, Caywood, D. P., 395-3443.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, construction labor requirements, BLS265200B, other (see SF-83), general contractors and colleges, Sunderhauf, M. B., 395-6140.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-27455 Filed 10-9-75; 8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 7, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C., 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL CAPITOL PLANNING COMMISSION

Federal Employee Travel Survey, single-time, Federal employees, Strasser, A., 395-5867.

DEPARTMENT OF COMMERCE

Departmental and other marketing survey of Spanish speaking nationalities, single-time, adult male and female household consumers, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, ECI benefits pre-test—general establishment information, BLS-3070, single-time, private nonfarm establishments, excluding households, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, National Survey of Family Growth, Cycle II; main field work, NCHS-0910, single-time, ever-married women 15-44, Dick Eisinger, 395-6140.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census, travel to work survey, AHS-50, annually, households in 20 selected SMSA's, Strasser, A., 395-5867.
Bureau of East-West Trade, destination control provisions, ECR-386.5, on occasion, commercial exporters, M. Traynham, 395-4529.

DEPARTMENT OF LABOR

Manpower Administration, WIN reporting system, MA5-95, monthly, State welfare agencies, Strasser, A., 395-5867.
Bureau of Labor Statistics, employment, plant-man-hours and straight-time payrolls in selected shipyards, BLS-1360, monthly, shipyards selected by naval sea system command, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-27546 Filed 10-9-75; 8:45 am]

PRIVACY PROTECTION STUDY COMMISSION MEETING NOTICE

The Privacy Protection Study Commission will hold meetings open to the public at Room 2358 Rayburn House Office Building, Washington, D.C., on October 28, 1975, between 10 A.M. and 5:00 P.M. with a break for lunch and on October 29, 1975 between 2:00 P.M. and 5:00 P.M.

The topics to be discussed include procedural matters and the program activities being undertaken by the Commission.

For questions, call John Barker, (202) 634-1477.

CAROLE W. PARSONS,
Executive Director,
Privacy Protection Study Commission.

[FR Doc.75-21528 Filed 10-9-75; 8:45 am]

SMALL BUSINESS ADMINISTRATION

LOANS AND REVOLVING LINE CREDIT Maximum Interest Rates

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on or after October 10, 1975, under Section 7 of the Small Business Act, as amended, and Section 502 of the Small Business Investment Act, as amended.

Effective as of October 10, 1975, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be ten and three-fourth percent (10¾%) a year, and the maximum rate on an immediate participation loan shall be nine and three-fourth percent (9¾%) a year. These maximum interest rates shall remain in effect until notification of a change is issued by SBA.

The "SBA Optional Peg Rate" for the quarter-year beginning October 1, 1975, is eight percent (8%) a year. This is an optional "peg" rate for use in connection with fluctuating interest rate loans made in participation with SBA.

This notice is issued under 13 CFR 120.3(b)(2)(iv).

Catalog of Federal Domestic Assistance Programs:

No. 59.012 Small Business Loans.
No. 59.013 State and Local Development Company Loans.
No. 59.014 Coal Mine Health and Safety Loans.
No. 59-017 Meat and Poultry Inspection Loans (Consumer Protection Loans).
No. 59-018 Occupational Safety and Health Loans.
No. 59-001 Displaced Business Loans.
No. 59-003 Economic Opportunity Loans for Small Business.

Dated: October 6, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-27288 Filed 10-9-75; 8:45 am]

ALBUQUERQUE DISTRICT ADVISORY COUNCIL Meeting

The Small Business Administration Albuquerque District Advisory Council will hold a public meeting beginning at 1:30 p.m., Friday, October 31, 1975, at the Chaparral Room of the American Bank of Commerce Building, 200 Lomas NW, Albuquerque, New Mexico, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present. For further information, write or call Anthony Panagakos, Marble Avenue NE, Patio Plaza Building, Albuquerque, New Mexico 87110, (505) 766-3574.

Dated: October 3, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-27289 Filed 10-9-75; 8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket No. 75-42]

PENN CENTRAL TRANSPORTATION CO.
Abandonment, Portion Evansville Secondary Track (Gibson, Posey, and Vanderburg Counties, Indiana)

On May 17, 1974, the Trustees of the Penn Central Transportation Company, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq), applied to the United States Railway Association

for the authorization required by Section 302(f) of that Act to abandon a portion of a line of railroad known as the Evansville Secondary Track between milepost 132.0 at Skelton and milepost 145.1 at Evansville, 22.1 miles in length in Gibson, Posey, and Vanderburg Counties, Indiana.

Section 304(f) provides that a railroad in reorganization may not abandon a line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action."

No state or local or regional transportation authority opposed the abandonment request. The Congress of Railway Unions and the Railway Labor Executives Association requested the imposition of labor protective conditions for employees who might be affected by the abandonment and certain other labor interests opposed the application on more general grounds. In view of the interest by the Southern Railway in acquiring this line and the proximity of the line to coal reserves, the Association on May 21, 1975 granted Penn Central authority to discontinue service over the line but did not authorize abandonment.

During the pendency of this application, the Indiana State Highway Department and the State of Indiana supported the abandonment so as to permit the elimination of a dangerous highway bridge carrying State Route 65 over the track near Cynthiana, Indiana. Since the State has agreed to provide a suitable bridge or crossing with the rail line at such time as rail service should be restored and the Southern Railway and the Trustee of the Cleveland, Cincinnati, Chicago, and St. Louis Railway have agreed to this proposal, the Association will permit abandonment of as much of this line of railroad at Cynthiana, Indiana, as is necessary to permit relocation of Indiana Highway 65. Such abandonment will not be inconsistent with the purposes of the Act and the Final System Plan.

This order shall modify the Association's order of May 21, 1975 and shall be effective 20 days after its publication in the FEDERAL REGISTER.

Dated this 6th day of October 1975.

JAMES A. HAGEN,
President,

United States Railway Association.

[FR Doc. 75-27508 Filed 10-9-75; 8:45 am]

[Docket No. 75-50]

PENN CENTRAL TRANSPORTATION CO.

Discontinuance of Service Portion, Crawfordville Secondary Track (Montgomery County, Indiana)

On May 17, 1974, the Trustees of the Penn Central Transportation Company, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), applied to the United States Railway Association for the authorization required by Section

304(f) of that Act to abandon a portion of a line of railroad known as the Crawfordville Secondary Track between milepost 37.0 near Waveland and milepost 52.0 near Crawfordville, a distance of 15.0 miles in Montgomery County, Indiana.

Section 304(f) provides that a railroad in reorganization may not abandon a line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action."

No state or local or regional transportation authority opposes this application. The Brotherhood of Locomotive Engineers, Congress of Railway Unions, and Railway Labor Executives Association request the protection of the "Burlington" conditions for any employees who may be affected by this abandonment. Since the Final System has designated this line as a rail property suitable for use for other public purposes pursuant to Section 206(c) (1) (E) and since granting abandonment authority at this time would preclude public bodies from exercising their rights to acquire this property contrary to the provisions of Section 304(b) (2), the Association will limit its authorization to discontinuance of service authority. Discontinuance of service on this line would not otherwise be inconsistent with the purposes of the Act and the Final System Plan.

Accordingly, the application will be granted for discontinuance of service authority on the condition that adversely affected employees receive, until the effective date of mandatory offers to "protected employees" under Section 502(b) of the Act, the labor protection customarily imposed by the Interstate Commerce Commission, as in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700.

This Order shall be effective 20 days after its publication in the FEDERAL REGISTER.

Dated this 6 day of October, 1975.

JAMES A. HAGEN,
President,

United States Railway Association.

[FR Doc. 75-27509 Filed 10-9-75; 8:45 am]

[Docket No. 75-69]

PENN CENTRAL TRANSPORTATION CO.

Abandonment, Osseo-Old Road Branch (Hillsdale County, Michigan)

On December 3, 1974, the Trustees of the Penn Central Transportation Company, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), applied to the United States Railway Association for the authorization required by Section 304(f) of that Act to abandon a line of railroad known as the Osseo-Old Road Branch between milepost 360.7 near Hillsdale, Michigan and its terminus at milepost 356.4 near Osseo, a distance 4.3 miles in Hillsdale County, Michigan.

Section 304(f) provides that a railroad in reorganization may not abandon a

line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action."

No state or local or regional transportation authority opposes this application. The Brotherhood of Locomotive Engineers, the Congress of Railway Unions, and the Railway Labor Executives Association request the protection of the "Burlington" conditions for any employees who may be affected by this abandonment. Abandonment of this line would not otherwise be inconsistent with the Final System Plan and the purposes of the Act.

Accordingly, the application will be granted on the condition that adversely affected employees receive, until the effective date of mandatory offers to "protected employees" under Section 502(b) of the Act, the labor protection customarily imposed by the Interstate Commerce Commission, as in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700.

This Order shall be effective 20 days after its publication in the FEDERAL REGISTER.

Dated this 6th day of October, 1975.

JAMES A. HAGEN,
President,

United States Railway Association.

[FR Doc. 75-27510 Filed 10-9-75; 8:45 am]

[Docket No. 75-47]

PENN CENTRAL TRANSPORTATION CO.

Abandonment, Oakman Spur (Wayne County, Michigan)

On May 8, 1975, the Trustees of the Penn Central Transportation Company, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), applied to the United States Railway Association for the authorization required by Section 304(f) of that Act to abandon a line of a railroad known as the Oakman Spur between milepost 0.0, the junction with the C&O Railway, near Albert Street, and its terminus at milepost 1.5, near Miller Street, a distance of 1.5 miles, all in Dearborn, Wayne County, Michigan.

Section 304(f) provides that a railroad in reorganization may not abandon a line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action."

No state or local or regional transportation authority opposes this application. The Railway Labor Executive Association requests the protection of the "Burlington" conditions for any employees who may be affected by this abandonment. Abandonment of this line would not otherwise be inconsistent with the Final System Plan and the purposes of the Act.

Accordingly, the application will be granted on the condition that adversely affected employees receive, until the effective date of mandatory offers to "protected employees" under Section 502(b)

of the Act, the labor protection customarily imposed by the Interstate Commerce Commission, as in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700.

This Order shall be effective 20 days after its publication in the FEDERAL REGISTER.

Dated this 6th day of October, 1975.

JAMES A. HAGEN,
President,

United States Railway Association.

[FR Doc. 75-27511 Filed 10-9-75; 8:45 am]

[Docket No. 75-71]

PENN CENTRAL TRANSPORTATION CO.

Abandonment, Salamanca Branch
(Cattaraugus County, New York)

On April 8, 1975, the Trustees of the Penn Central Transportation, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), applied to the United States Railway Association for the authorization required by Section 304(f) of that Act to abandon a portion of a line of railroad known as the Salamanca Branch between milepost 113.1 at Allegany and its terminus at milepost 115.6 at Olean, a distance of 2.5 miles in Cattaraugus County, New York.

Section 304(f) provides that a railroad in reorganization may not abandon

a line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action."

No state or local or regional transportation authority opposes this application. The Railway Labor Executives Association requests the protection of the "Burlington" conditions for any employees who may be affected by this abandonment. Abandonment of this line would not otherwise be inconsistent with the Final System Plan and the purposes of the Act.

Accordingly, the application will be granted on the condition that adversely affected employees receive, until the effective date of mandatory offers to "protected employees" under Section 502(b) of the Act, the labor protection customarily imposed by the Interstate Commerce Commission, as in *Chicago, B. & O. R. Co., Abandonment*, 257 I.C.C. 700.

This Order shall be effective 20 days after its publication in the FEDERAL REGISTER.

Dated this 6th day of October, 1975.

JAMES A. HAGEN,
President,

United States Railway Association.

[FR Doc. 75-27512 Filed 10-9-75; 8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION HOSPITAL,
IOWA CITY, IOWAAvailability of Final Environmental Impact
Statement; Additional Parking Facilities

Notice is hereby given that a document entitled "Final Environmental Impact Statement for Additional Parking Facilities, Veterans Administration Hospital, Iowa City, Iowa," dated July 1975, has been prepared as required by the National Environmental Policy Act of 1969.

The Additional Parking Facilities project proposes a parking structure of three levels for approximately 250 parking spaces. The structure will have the capacity for future expansion of an additional three levels of parking which will result in a net gain of 473 parking spaces for the VA Hospital.

This final statement discusses the environmental impact of the Additional Parking Facilities. The document is being placed for public examination in the Veterans Administration office in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Jack S. Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Single copies of the final statement may be obtained on request to the above office.

Dated: October 6, 1975.

By direction of the Administrator.

[SEAL]

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc. 75-27372 Filed 10-9-75; 8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS
COMPETITION DETERMINATIONS
UNDER THE RURAL DEVELOPMENT
ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being

established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

Applications received during the week ending October 5, 1975

Name of applicant	Location of enterprise	Principal product or activity
Northwood Products, Inc.	Presque Isle, Maine	Wood products manufacturing for houseware and gift departments.
Allegheny Ludlum Steel Corp.	Dunkirk, N.Y.	Manufacture and sale of specialty steel bar, wire and rod products; stainless steels, high temperature alloys and tool steels.
Caroco, Inc.	Chesterfield, S.C.	Manufacturing ladies loungewear.
Silver Mill Frozen Foods, Inc. (Tenant to city of Hart).	Hart, Mich.	Frozen fruit and other food products.

[FR Doc. 75-27334 Filed 10-9-75; 8:45 am]

Wage and Hour Division

BERNICE INDUSTRIES, ET AL.

Certificates Authorizing the Employment
of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 621 (39 F.R. 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner reg-

ulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Bernice Industries, Bernice, LA; 8-11-75 to 8-10-76 (boys' shirts).

Big River Mfg. Co., Kittanning, Pa; 8-31-75 to 8-30-76 (boys' shirts).

Brunswick Mfg. Co., Inc., Brunswick, GA; 6-30-75 to 6-29-76 (women's and children's car coats and zipper jackets).

Caraway Apparel Co., Caraway, AR; 8-7-75 to 8-6-76; 10 learners (women's dresses).

Chatham Knitting Mills, Inc., Chatham, VA; 7-22-75 to 7-21-76; 8 learners (men's and boys' jackets).

Continental Apparel Mfg. Co., Inc., DeFuniak Springs, FL; 8-7-75 to 8-6-76; 10 learners (women's blouses and pants).

Cordele Uniform Co., Cordele, GA; 9-8-75 to 9-7-76 (men's and women's washable service apparel).

Vovington Industries, Inc., Opp, AL; 9-15-75 to 9-14-76 (hunting clothes and casual pants and jackets).

Crane Mfg. Co., Crane, MO; 8-1-75 to 7-31-76 (men's, women's, boys' and girls' jeans).

Elder Mfg. Co., Dexter, MO; 8-21-75 to 8-20-76 (men's and boys' pants).

Franklin Garment Co., Franklin, VA; 9-15-75 to 9-14-76; 10 learners (children's dresses).

Franklin Sportswear, Inc., Canon, GA; 9-15-75 to 9-14-76; 10 learners (jeans).

Giles Mfg. Corp., Narrows, VA; 7-24-75 to 7-23-76 (children's shirts, creepers and slacks).

Greenway Mfg. Co., Nemaquin, PA; 6-23-75 to 6-22-76 (boys' pants and jackets).

Hamburg Shirt Corp., Hamburg, AR; 8-14-75 to 8-13-76 (boys' shirts).

Lee-Mar Shirt Co., Inc., Pulaski, TN; 8-1-75 to 7-31-76 (boys' shirts).

Saf-T-Bak, Inc., Altoona, PA; 6-23-75 to 6-22-76 (men's, women's and children's hunting clothes).

Somerset Shirt & Pajama Co., Inc., Somerset, PA; 9-3-75 to 9-2-76 (boys' nightwear).

Volunteer Mfg. Co., Orinda, TN; 6-23-75 to 6-22-76; 10 learners (women's blouses).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Homer Industries, Homer, LA; 7-14-75 to 1-13-76; 30 learners for a new plant (boys' shirts).

Jonbil Mfg. Co., Inc., Danville, VA; 6-30-75 to 12-29-75; 10 learners for plant expansion purposes (men's and boys' jeans).

Slidell Industries, Inc., Slidell, LA; 9-2-75 to 3-1-76; 30 learners for plant expansion purposes (misses' jeans).

Utica Industries, Utica, MS; 9-8-75 to 3-7-76; 40 learners for plant expansion purposes (boys' shirts).

The following certificates were issued under the hosiery industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.40 to 522.43, as amended).

Unique Knitting Co., Acworth, GA; 9-8-75 to 9-7-76; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, children's, misses' and boys' socks).

W. Y. Shugart & Sons, Inc., Fort Payne, AL; 6-23-75 to 6-22-76; 5 percent of the total number of factory production workers for normal labor turnover purposes (boys' and girls' hosiery).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Glamourette Fashions Mills, Inc., Quebradillas, PR; 7-17-75 to 7-16-76; 12 learners for normal labor turnover purposes in the occupations of (1) Knitting, for a learning period of 480 hours at the rates of \$1.57 an hour for the first 240 hours and \$1.74 an hour for the remaining 240 hours; and (2) Machine stitching-seaming, for a learning period of 320 hours at the rates of \$1.57 an hour for the first 160 hours and \$1.74 an hour for the remaining 160 hours (sweaters and related products).

Mesana Dyeing & Finishing, Inc., Quebradillas, PR; 7-17-75 to 7-16-76; 10 learners for normal labor turnover purposes in the occupations of: (1) Machine stitching and pressing, for a learning period of 320 hours at the rates of \$1.57 an hour for the first 160 hours and \$1.74 an hour for the remaining 160 hours; and (2) Kettle handlers and dyers, for a learning period of 240 hours at the rate of \$1.57 an hour (sweaters and related products).

Puritan Caribbean, Inc., Cidra, PR; 7-21-75 to 7-20-76; 19 learners for normal labor turnover purposes in the occupation of machine knitting, for a learning period of 480 hours at the rates of \$1.57 an hour for the first 240 hours and \$1.74 an hour for the remaining 240 hours (sweaters and shirts).

Randy Knitting Mills, Inc., Quebradillas, PR; 6-30-75 to 6-29-76; 33 learners for normal labor turnover purposes in the occupations of (1) Knitting, for a learning period of 480 hours at the rates of \$1.57 an hour for

the first 240 hours and \$1.74 an hour for the remaining 240 hours; and (2) Machine stitching-seaming, for a learning period of 320 hours at the rates of \$1.57 an hour for the first 160 hours and \$1.74 an hour for the remaining 160 hours (sweaters and related products).

Wendy Textile Mills, Inc., Quebradillas, PR; 7-17-75 to 7-16-76; 5 learners for normal labor turnover purposes in the occupation of machine knitting for a learning period of 480 hours at the rates of \$1.57 an hour for the first 240 hours and \$1.74 an hour for the remaining 240 hours (sweaters and related products).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before October 27, 1975.

Signed at Washington, D.C. this 7th day of October, 1975.

ARTHUR H. KORN,
Authorized Representative
of the Administrator.

[FR Doc. 75-27345 Filed 10-9-75; 8:45 am]

Office of the Secretary
CHRYSLER CORP.

[TA-W-108]

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-108: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 6, 1975 in response to a worker petition received on August 5, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing heating and air conditioning components for Chrysler cars and trucks and residential air conditioners at Dayton, Ohio Plants I and II of the Airtemp Division of Chrysler Corporation, Highland Park, Michigan.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 34491) on August 15, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Chrysler Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eli-

gibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of hourly workers employed at Dayton Plant II declined 23 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours worked by hourly workers declined 10 percent in the first half of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales and production of residential air conditioners manufactured at Dayton Plant II respectively declined 34 percent and 45 percent from 1972 to 1974 and decreased 57 percent and 43 percent in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Imports of residential air conditioners like or directly competitive with those produced at Dayton Plant II maintained ratios of less than two-thirds of one percent of domestic consumption and production from 1970 through the first four months of 1975. Separations that occurred at Dayton Plant II during 1974 and the first half of 1975 were largely the result of a nationwide decline in demand for residential air conditioners due to increased electricity costs and a slump in new housing starts. Other factors contributing to the separations were transfers of production from Dayton Plant II to other domestic Chrysler Airtemp facilities and seasonal production declines.

Data was not collected with respect to production, sales and employment experience at the Dayton Plant I, because in the course of the investigation it was determined that Dayton Plant I production is wholly captive to the Chrysler Corporation. Chrysler Corporation does not import, or purchase from suppliers who import, any heater or air conditioner units like or directly competitive with those produced at Dayton Plant I, for use in the autos and trucks it builds in the United States. All such heater and air conditioner units produced by Chrysler are built for use in Chrysler autos and trucks; none are sold to any other company. All autos and trucks built in Canada by Chrysler Canada, Ltd., a wholly-owned subsidiary of Chrysler Corpora-

tion, contain heater and/or air conditioner units built by Chrysler at Dayton Plant I.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with heating and air conditioning components for Chrysler cars and trucks and residential air conditioners produced at the Dayton, Ohio plants of the Airtemp Division of Chrysler Corporation did not contribute importantly to the total or partial separations of the workers at such plants.

Signed at Washington, D.C. this 3rd day of October 1975.

GLORIA G. PRATT,
Director, Office of
Foreign Economic Policy.

[FR Doc.75-27344 Filed 10-9-75; 8:45 am]

[TA-W-178]

CLUETT-PEABODY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 26, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of J. Schoeneman, Owings Mills and Cumberland, Maryland; Winchester, Va., and Chambersburg, Pa., divisions and subdivisions of Cluett-Peabody, Inc., N.Y., N.Y. (TA-W-178) Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by Cluett-Peabody or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 20, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-27343 Filed 10-9-75; 8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

OCTOBER 7, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 20, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 61825 (Sub-No. E412), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Columbiana, Cuyahoga, Erie, Fulton, Harrison, Holmes, Huron, Lorain, Lucas, Medina, Ottawa, Sandusky, Summit, and Wood Counties, Ohio, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line extending along North Carolina Highway 8 to Winston-Salem, thence along Interstate Highway 40 to Conover, thence along U.S. Highway 321 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 65941 (Sub-No. E7), filed April 15, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment); (1) from points in Pennsylvania on and west of U.S. Highway 219 and points in West Virginia on and north of U.S. Highway 50 to points in Florida; (2) from points in Pennsylvania on and west of U.S. Highway 219, points in Ohio on and east of Ohio Highway 60, and points in West Virginia on and north of U.S. Highway 50 (except Wood County), to points in Georgia south of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 1 to junction Georgia Highway 24, thence along Georgia Highway 24 to junction Georgia Highway 22, thence along Georgia Highway 22 to the Georgia-Alabama State line; (3) from points in Ohio on and east of Ohio Highway 60 to points in Florida west of the Apalachicola River; (4) from points in Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, to points in Florida east of the Apalachicola River; and (5) from points in Wood County, W. Va., to points in Georgia west of U.S. Highway 1 and south of Georgia Highways 22 and 24. The purpose of this filing is to eliminate the gateway of the plant site of Wheeling-Pittsburgh Steel Corp., at or near Wheeling or Benwood, W. Va.

No. MC 74321 (Sub-No. E19), filed April 10, 1975. Applicant: B. F. WALKER, INC., P.O. Box 17B, Denver, Colo. 80217. Applicant's representative: Richard Kissinger (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined by the Commission, restricted to earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; (1) from points in Arkansas (except Newport), to points in Arizona (Texas and New Mexico)*; (2) from points in Arkansas (except Newport), to points in Kansas (Oklahoma)*; (3) from points in Arkansas (except Newport), to points in Nevada (Oklahoma and New Mexico)*; (4) from points in Arkansas (except Newport), to points in New Mexico (Oklahoma)*; (5) from points in Arkansas (except Newport), on and south of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 70 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction Interstate Highway 40.

thence along Interstate Highway 40 to the Arkansas-Tennessee State line, to points in North Dakota on and west of a line beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 8 to junction North Dakota Highway 23, thence along North Dakota Highway 23 to junction North Dakota Highway 22, thence along North Dakota Highway 22 to junction U.S. Highway 12, thence along U.S. Highway 12 to the North Dakota-South Dakota State line (Texas and Colorado)*; and (6) from points in Arkansas (except Newport), south of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 70 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Tennessee State line, to points in South Dakota on and west of a line beginning at the South Dakota-North Dakota State line and extending along U.S. Highway 85 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 385, thence along U.S. Highway 385 to the South Dakota-Nebraska State line (Texas and Colorado)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 102616 (Sub-No. E397), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles; (1) from points in Virginia on and south of U.S. Highway 60 to points in Michigan on and north of U.S. Highway 12; and (2) from points in Virginia on and west of U.S. Highway 52 to points in New York on and west of U.S. Highway 15. The purpose of this filing is to eliminate the gateways of South Charleston or Institute, W. Va., and the Allied Chemical Co. plant site near Moundsville, W. Va.

No. MC 102616 (Sub-No. E419), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred R. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in West Virginia on, north, and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Pennsylvania State line, to points in Michigan on, west, and south of a line beginning at the Michigan-Indiana State line and extending along Michigan Highway 62 to junction Michigan Highway 51, thence along Michigan Highway 51 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Michigan. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., Toledo, Ohio, and Grainger, Ind.

No. MC 106644 (Sub-No. E41), filed July 5, 1974. Applicant: SUPERIOR TRUCKING CO., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Hubert Johnson, 2770 Peyton Road NW., Atlanta, Ga. 30328. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment* used in carpet tufting, finishing, and manufacturing, which requires the use of special equipment to load and/or unload or transport; (a) between points in Alabama, Mississippi, and Louisiana, on the one hand, and, on the other, points in West Virginia, Delaware, Connecticut, Vermont, New Hampshire, Maine, and the District of Columbia; (b) between points in Georgia on and west of U.S. Highway 441 from Georgia-Florida State line to junction Georgia Highway 53, thence along Georgia Highway 53 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Georgia-Tennessee State line, on the one hand, and, on the other, West Virginia, Delaware, Connecticut, Vermont, New Hampshire, Maine, and the District of Columbia; and (c) between points in Florida on and west of U.S. Highway 221 from Georgia-Florida State line, thence along U.S. Highway 221 to junction U.S. Alternate Highway 27, thence along U.S. Highway 27 to junction Florida Highway 50, thence along Florida Highway 50 to junction Florida Highway 405, thence along Florida Highway 405 to the Atlantic Ocean, on the one hand, and, on the other, points in West Virginia, Delaware, Connecticut, Vermont, New Hampshire, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 106644 (Sub-No. E42), filed July 5, 1974. Applicant: SUPERIOR TRUCKING COMPANY, P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Hubert Johnson, 2770 Peyton Rd. NW., Atlanta, Ga. 30318. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment* used in carpet tufting, finishing, and manufacturing, which requires the use of special equipment, to load and/or unload or transport; (a) between points in Georgia and Florida, on the one hand, and, on the other, Minnesota, Wisconsin, and Michigan; (b) between points in Alabama (except points west and north of Interstate Highway 65 from the Alabama-Tennessee State line to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Mississippi State line, on the one hand, and, on the other, Minnesota, Wisconsin, and Michigan; (c) between points in South Carolina, on the one hand, and, on the other, points in Minnesota, Wisconsin, and Michigan, except points on, east, and south of Michigan Highway 52 from the Michigan-Ohio State line, thence along Michigan Highway 52 to junction Michigan Highway 21, thence along Michigan Highway 21 to Port Huron, Mich.; and (d) between New Orleans, La., on the one hand, and, on the other, Wisconsin,

Michigan, and Minnesota except points in Minnesota within Jackson, Nobles, Rock, Pipestone, Murray, Lyon, and Lincoln. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 106644 (Sub-No. E43), filed July 5, 1974. Applicant: SUPERIOR TRUCKING CO., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Hubert Johnson, 2770 Peyton Rd. NW., Atlanta, Ga. 30318. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment* used in carpet tufting, finishing, and manufacturing, which requires the use of special equipment to load and/or unload or transport, between points in Florida (east of the Apalachicola River), Georgia, North Carolina, and South Carolina, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, New Mexico, Nevada, Montana, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 106644 (Sub-No. E44), filed July 5, 1974. Applicant: SUPERIOR TRUCKING CO., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Hubert Johnson, 2770 Peyton Rd. NW., Atlanta, Ga. 30318. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment* used in carpet tufting, finishing, and manufacturing, which requires the use of special equipment to load and/or unload or transport; (1) between New Jersey, Rhode Island, Tennessee (on and east of Tennessee Highway 56), and Virginia, on the one hand, and, on the other, points in Arizona, California, Colorado, New Mexico, Nevada, Oregon, Utah, and Washington; (2) between points in Maryland, on the one hand, and, on the other, points in Arizona, California, Colorado (except points in Kiowa, Cheyenne, and Kit Carson), New Mexico, Nevada, Oregon, Utah, and Washington; (3) between Pennsylvania, on the one hand, and, on the other, Arizona, California, and New Mexico (except points in New Mexico north and east of the Vermejo River beginning at the New Mexico-Colorado State line, thence along the Vermejo River to junction Canadian River, thence along the Canadian River to the New Mexico-Texas State line); (4) between New York, on the one hand, and, on the other, Arizona, California, and Nevada; and (5) between Massachusetts, on the one hand, and, on the other, points in Arizona, California, New Mexico, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateways of North Carolina and Chattanooga, Tenn.

No. MC 107002 (Sub-No. E343), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Liquid fertilizer solutions* (except anhydrous ammonia), in bulk, in tank vehicles, from Greenville, Miss., to points in Missouri, Oklahoma, and those in Texas on, west, and south of a line beginning at the Gulf of Mexico and extending along Texas Highway 225 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 37, thence along Texas Highway 37 to junction Texas Highway 154, thence along Texas Highway 154 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Barfield, Ark., and points within ten miles thereof, or the storage facilities of Allied Chemical Corporation and Mississippi Chemical Corporation at Pine Bluff, Ark.

No. MC 107002 (Sub-No. E344), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth, (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid hydrogen, liquid nitrogen, and liquid oxygen), in bulk, in tank vehicles, from River Falls, Ala., to points in Michigan. The purpose of this filing is to eliminate the gateway of Cedartown, Ga.

No. MC 107002 (Sub-No. E345), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth, (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride*, dry, in tank vehicles, from Aberdeen, Miss., to points in Texas (except those north and east of a line beginning at the Louisiana-Texas State line and extending along Texas Highway 49 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Texas Highway 37, thence along Texas Highway 37 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Natchez, Miss.

No. MC 112595 (Sub-No. E136), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum product, in bulk, in tank vehicles, from points in Virginia in an area bounded by a line beginning at the West Virginia-Virginia State line extending along Virginia Highway 100 to Dublin, thence along U.S. Highway 11 to Christiansburg, thence along Virginia Highway 8 to the North Carolina-

Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 15, thence along U.S. Highway 15 to Gordonsville, thence along U.S. Highway 33 to the West Virginia-Virginia State line, thence along the West Virginia-Virginia State line to points of beginning, to points in Indiana on and north of a line beginning at the Ohio-Indiana State line extending along Indiana Highway 26 to Fairmount, thence along U.S. Highway 35 to Anderson, thence along Indiana Highway 32 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Van Wert, Ohio, and Leach or Catlettsburg, Ky.

No. MC 112595 (Sub-No. E137), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum product, in bulk, in tank vehicles, from points in Virginia in an area bounded by a line beginning at the Virginia-West Virginia State line extending along Virginia Highway 100 to Dublin, thence along U.S. Highway 11 to Christiansburg, thence along Virginia Highway 8 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 15, thence along U.S. Highway 15 to Gordonsville, thence along U.S. Highway 33 to the West Virginia-Virginia State line, thence along the West Virginia-Virginia State line to point of beginning, to points in Illinois on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Van Wert, Ohio, and Leach or Catlettsburg, Ky.

No. MC 112595 (Sub-No. E139), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum* (except petrochemicals), in bulk, in tank vehicles, from points in Kentucky on and east of U.S. Highway 31W and west of a line beginning at the Kentucky-West Virginia State line at Louisa extending along U.S. Highway 23 to Allen, thence along Kentucky Highway 80 to Hyden, thence along U.S. Highway 421 to Loyall, thence along U.S. Highway 119 to Four Mile, thence along Kentucky Highway 92 to Williamsburg, thence along U.S. Highway 25W to the Kentucky-Tennessee State line, to points in Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey. The purpose of this filing is to eliminate the gateway of Congo, W. Va., and Ironton or Middleport, Ohio.

No. MC 112595 (Sub-No. E140), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Iron-

ton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum* (except petrochemicals), in bulk, in tank vehicles, from points in Kentucky on and east of U.S. Highway 31W, to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and those points in Pennsylvania on and north of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 30 to Lionier, thence along Pennsylvania Highway 271 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateways of Congo, W. Va., and Ironton or Middleport, Ohio.

No. MC 112595 (Sub-No. E141), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products, and liquid petroleum* (except petrochemicals), in bulk, in tank vehicles, from points in Kentucky on and east of U.S. Highway 31W, to points in New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line extending along Interstate Highway 78 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to the New York-New Jersey State line near South Amboy. The purpose of this filing is to eliminate the gateways of Congo, W. Va., and Ironton or Middleport, Ohio.

No. MC 112595 (Sub-No. E142), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products, and liquid petroleum* (except petrochemicals), in bulk, in tank vehicles, from points in Kentucky within an area bounded by a line beginning at the Indiana-Kentucky State line at Louisville extending along U.S. Highway 31W to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line to junction U.S. Highway 25W, thence along U.S. Highway 25W to Corbin, thence along U.S. Highway 25 to London, thence along Kentucky Highway 30 to Salyersville, thence along U.S. Highway 460 to junction U.S. Highway 23, thence along U.S. Highway 23 to the West Virginia-Kentucky State line, thence along the Kentucky-West Virginia State line to the Kentucky-Ohio State line, thence along the Kentucky-Ohio State line to the Kentucky-Indiana State line, and to point of beginning, to points in Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Congo, W. Va., and Ironton or Middleport, Ohio.

No. MC 112595 (Sub-No. E151), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products, and liquid petroleum* (except petrochemicals), in bulk, in tank vehicles, from points in West Virginia on and west of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 60 to Charleston, thence along U.S. Highway 21 to the West Virginia-Virginia State line at Bluefield, to points in Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line extending along Pennsylvania Highway 68 to Rimersburg, thence along Pennsylvania Highway 861 to New Bethlehem, thence along Pennsylvania Highway 536 to Punxsutawney, thence along Pennsylvania Highway 410 to Luthersburg, thence along U.S. Highway 322 to Clearfield, thence along Pennsylvania Highway 879 to Moshannon, thence along Pennsylvania Highway 144 to Galeton, thence along U.S. Highway 8 to Towanda, thence along Pennsylvania Highway 187 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Congo, W. Va., Marietta, Ohio, and Ironton, Ohio.

No. MC 112595 (Sub-No. E152), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum* (except petrochemicals), in bulk, in tank vehicles, from points in West Virginia on and west of a line beginning at the Kentucky-West Virginia State line at Williamson extending along U.S. Highway 119 to Charleston, thence along U.S. Highway 35 to the West Virginia-Ohio State line at Henderson, to points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 30 to Breezewood, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line, and points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, and Rhode Island. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, Marietta, Ohio, and Congo, W. Va.

No. MC 112595 (Sub-No. E153), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products, and liquid petroleum* (except petrochemicals), in bulk, in tank vehicles, from points in Virginia on and north of U.S. Highway 19, to points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-West Virginia State line extending along U.S.

Highway 30 to Pittsburgh, thence along Pennsylvania Highway 28 to Brookville, thence along U.S. Highway 322 to junction U.S. Highway 119, thence along U.S. Highway 119 to Du Bois, thence along U.S. Highway 219 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Catlettsburg or Leach, Ky., and Congo, W. Va.

No. MC 112595 (Sub-No. E154), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products, and liquid petroleum* (except petrochemicals), in bulk, in tank vehicles, from points in Virginia on and north of U.S. Highway 19, to points in New York on and north of a line beginning at the Pennsylvania-New York State line extending along New York Highway 17 to Andover, thence along New York Highway 21 to Canandaigua, thence along U.S. Highway 20 to Auburn, thence along New York Highway 5 to Syracuse, thence along U.S. Highway 11 to Watertown, thence along New York Highway 3 to the New York-Vermont State line near Plattsburg. The purpose of this filing is to eliminate the gateway of Catlettsburg or Leach, Ky., and Congo, W. Va.

No. MC 112595 (Sub-No. E155), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from points in Ohio north and west of a line beginning at the Ohio-Michigan State line extending along U.S. Highway 23 to Delaware, thence along U.S. Highway 36 to the Ohio-Indiana State line, to points in West Virginia on and south of a line beginning at New Martinsville extending along West Virginia Highway 20 to Gypsy, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the Maryland-West Virginia State line, and north and east of a line beginning at the West Virginia-Virginia State line at Bluefield extending along U.S. Highway 52 to Welch, thence along West Virginia Highway 16 to Pineville, thence along West Virginia Highway 10 to Oceana, thence along West Virginia Highway 85 to Madison, thence along U.S. Highway 119 to Charleston, thence along U.S. Highway 35 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 112595 (Sub-No. E156), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from points in Ohio north and west

of a line beginning at the Ohio-Michigan State line extending along U.S. Highway 23 to Delaware, thence along U.S. Highway 36 to the Ohio-Indiana State line, to points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line extending along West Virginia Highway 20 to Clarksburg, thence along U.S. Highway 50 to the Maryland-West Virginia State line, and east and north of a line beginning at the Kentucky-West Virginia State line near Naugatuck extending east and north along West Virginia Highway 65 to Logan, thence along U.S. Highway 119 to Charleston, thence along U.S. Highway 35 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 112595 (Sub-No. E157), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from points in Ohio on, north, and east of a line beginning at Cleveland extending along U.S. Highway 42 to Medina, thence along Ohio Highway 3 to Wooster, thence along U.S. Highway 30 to East Liverpool, to points in West Virginia on and west of a line beginning at the West Virginia-Ohio State line at Williamstown extending along U.S. Highway 21 to Charleston, thence along U.S. Highway 60 to U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line at Bluefield. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 112595 (Sub-No. E158), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from points in Ohio on and south of a line beginning at the Ohio-Indiana State line extending along the Hamilton County line to junction Ohio Highway 32, thence along Ohio Highway 32 to Peables, thence along Ohio Highway 41 to Sinking Spring, thence along Ohio Highway 124 to Jackson, thence along U.S. Highway 35 to the Ohio-West Virginia State line, to points in West Virginia north of a line beginning at Parkersburg, W. Va., and extending along U.S. Highway 50 to Pruntytown, thence along U.S. Highway 250 to Elkins, thence along U.S. Highway 33 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 112595 (Sub-No. E159), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid pe-*

roleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and east of U.S. Highway 23, to points in Tennessee west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E160), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Iron-ton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and north of a line beginning at the Kentucky-West Virginia State line extending along West Virginia Highway 37 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to Logan, thence along U.S. Highway 119 to Charleston, thence along U.S. Highway 60 to Gauley Bridge, thence along West Virginia Highway 39 to the Virginia-West Virginia State line, to points in Tennessee west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Iron-ton, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E161), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Iron-ton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry petroleum pitch*, which is a chemical, in bulk, in dump vehicles, from the site of the Leach Refinery, at or near Catlettsburg, Ky., to points in Ohio, Indiana, Kentucky, New York, Pennsylvania, Virginia, West Virginia, and Illinois (except points in the St. Louis, Mo., and East St. Louis, Ill. commercial zone as defined by the Commission). The purpose of this filing is to eliminate the gateway of Iron-ton or South Point, Ohio.

No. MC 112595 (Sub-No. E162), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Iron-ton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum asphalt*, in bulk, in tank vehicles, from points in Ohio within an area bounded by a line beginning at the Ohio-Michigan State line extending along U.S. Highway 23 to Delaware, thence along U.S. Highway 36 to Coshocton, thence along Ohio Highway 83 to Wooster, thence along

U.S. Highway 42 to Cleveland, thence along the northern border of Ohio to point of beginning, to points in West Virginia within an area bounded by a line beginning at the Ohio-West Virginia State line extending along West Virginia Highway 20 to Clarksburg, thence along U.S. Highway 50 to the Maryland-West Virginia State line, thence along the Maryland-West Virginia State line to junction U.S. Highway 219, thence along U.S. Highway 219 to Bluefield, thence along U.S. Highway 21 to the West Virginia-Ohio State line, thence along the Ohio-West Virginia State line to point of beginning. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 115841 (Sub-No. E207), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen edible food preparations*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., points in Rockland County, N.Y., east of the Garden State Parkway and south of Interstate Highway 287, points in Westchester County, N.Y., south of Interstate Highway 287, points in Nassau County, N.Y., west of County Highway 1, and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Florida on and west of U.S. Highway 29. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., Chattanooga, Tenn., and Atlanta, Ga.

No. MC 115841 (Sub-No. E348), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, and frozen edible meat by-products*, as defined by the Commission (except in bulk), in vehicles equipped with mechanical refrigeration, from Dayton, Ohio, to points in San Diego County, Calif. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., Atlanta, Ga., and Birmingham, Ala.

No. MC 115841 (Sub-No. E377), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats*, in vehicles equipped with mechanical refrigeration, from the Briggs and Company plantsite in the Washington, D.C. commercial zone, to points in Florida. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 115841 (Sub-No. E379), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Prattville, N.Y., to points in Florida. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 119118 (Sub-No. E1), filed May 15, 1974. Applicant: MC CURDY TRUCKING, INC., P.O. Box 383, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Blvd., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers; (1) from Columbus, Ohio, to points in New York (except New York, N.Y., and points in Westchester, Rockland, Nassau, and Suffolk Counties); (2) from Newark, N.J., to points in Ohio (except points in Ohio south and east of U.S. Highway 62), and Chautauqua County, N.Y. The purpose of this filing is to eliminate the gateway of Erie, Pa.

No. MC 124078 (Sub-No. E79), filed August 1, 1975. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th St., P.O. Box 1601, Milwaukee, Wis. 53201. Applicant's representative: James R. Carroll (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Clay*, in bulk, from points in Aiken County, S.C., to points in Indiana, Illinois, Missouri, Arkansas, Kentucky on and west of U.S. Highway 27 and Mississippi in and west of Tishomingo, Lee, Prentiss, Chickasaw, Webster, Choctaw, Attala, Madison, Rankin, Copiah, Lincoln, and Amite Counties (the facilities of Bulk Distribution, Inc., at or near Chattanooga, Tenn.). (2) *Clay*, in bulk, from points in Aiken County, S.C., to points in Texas (except Jasper, Newton, Tyler, Hardin, Liberty, Orange, Chambers, and Jefferson Counties (the facilities of Bulk Distribution, Inc., at or near Chattanooga, Tenn.), and the plant site of Wyandotte Chemicals Corporation, in Tippah County, Miss.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 124211 (Sub-No. E39), (Correction), filed April 29, 1974, published in the *FEDERAL REGISTER* August 5, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Junk materials* (except scrap meats, scrap paper, and waste paper, and commodities in bulk); (1) between points in Alabama, on the one hand, and, on the other, points in Idaho, Montana, North Dakota, Oregon, South Dakota, Wash-

ington, and Wyoming, those in California on and north of Interstate Highway 80, those in Colorado on and north of U.S. Highway 50, those in Iowa on and west of U.S. Highway 169, those in Kansas on and north of U.S. Highway 40, those in Minnesota on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 53 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Minnesota State line, those in Missouri on and west of Interstate Highway 29 and north of U.S. Highway 50, those in Nevada on and north of U.S. Highway 6, and those in Utah on and north of U.S. Highway 50; (13) between points in North Carolina, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, those in Iowa on and west of U.S. Highway 71, those in Minnesota on and west of U.S. Highway 59, those in Missouri on and west of U.S. Highway 59, and those in Kansas (except those south of U.S. Highway 50 and east of U.S. Highway 77); and (16) between those points in Texas on and west of a line beginning at the United States-Mexico International Boundary line and extending along unnumbered highway to junction U.S. Highway 277, thence along U.S. Highway 277 to the Texas-Oklahoma State line, on the one hand, and, on the other, points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, those in Illinois on and north of U.S. Highway 36, those in Indiana on and north of U.S. Highway 36, those in Kansas on and north of U.S. Highway 36, those in Missouri on and north of U.S. Highway 36, those in Ohio on and north of U.S. Highway 50, and those in West Virginia on and north of U.S. Highway 33; and the District of Columbia. The purpose of this filing is to eliminate the gateway of Nebraska. The purpose of this partial correction is to correct various errors above. The remainder of this letter-notice remains as previously published.

No. MC 127042 (Sub-No. E42), filed June 30, 1975. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cleaning, scouring, and washing compounds (except commodities in bulk), and sodium hypochlorite solutions (except in bulk), from South Beloit, Ill., to points in Oklahoma, and those in Arkansas on, south, and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 167 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 31 thence along Arkansas Highway 31 to junction Arkansas Highway 130, thence along Arkansas Highway 130 to junction Arkansas Highway 1, thence along Arkansas

Highway 1 to junction county highway, thence along county highway to Arkansas City, Ark. The purpose of this filing is to eliminate the gateway of Brookfield, Mo.

No. MC 127974 (Sub-No. E9), filed January 30, 1975. Applicant: P. LIEDT-KA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities as require specialized handling or rigging because of size or weight*; (1) between those points in Pennsylvania on and east of a line beginning at the Delaware River, and extending along Pennsylvania Highway 420 to junction Pennsylvania Highway 320, thence along Pennsylvania Highway 320 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 23, thence along Pennsylvania Highway 23 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Pennsylvania Highway 73, thence along Pennsylvania Highway 73 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Maryland, on and south of Wicomico County, and those in Virginia east of the Chesapeake Bay; (2) between points in New York (except those in the New York, N.Y., commercial zone, as defined by the Commission, and those in Nassau County), on the one hand, and, on the other, those points in New Jersey on U.S. Highway 30; and (3) between points in New York, on the one hand, and, on the other, those points in Virginia east of the Chesapeake Bay, and those in Maryland in and south of Wicomico County. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 127974 (Sub-No. E10), filed January 30, 1975. Applicant: P. LIEDT-KA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities as require specialized handling or rigging because of size or weight*; (1) between points in New York, on the one hand, and, on the other, those points in New Jersey south of U.S. Highway 30; (2) between those points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 79 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 41, thence along New York Highway 41 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence

along New York Highway 30 to junction New York Highway 3, thence along New York Highway 3 to Plattsburgh, thence along U.S. Highway 9 to junction New York Highway 9B, thence along New York Highway 9B to junction U.S. Highway 11, thence along U.S. Highway 11 to the United States-Canada International Boundary line, on the one hand, and, on the other, those points in New Jersey north of U.S. Highway 30 and on and south of a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 206 to junction County Highway 524, thence along County Highway 524 to junction County Highway 539, thence along County Highway 539 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 37, thence along New Jersey Highway 37 to junction Alternate U.S. Highway 9, thence along Alternate U.S. Highway 9 to Toms River, thence along Toms River to Barnegat Bay (except points on Island Beach, N.J.). The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 127974 (Sub-No. E11), filed January 30, 1975. Applicant: P. LIEDT-KA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities as require specialized handling or rigging because of size or weight*; (1) between points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 282 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26A, thence along New York Highway 26A to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 58, thence along New York Highway 58 to junction unnumbered highway near Edwards, thence along unnumbered highway to junction New York Highway 56, thence along New York Highway 56 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 37C, thence along New York Highway 37C to junction New York Highway 37, thence along New York Highway 37 to junction unnumbered highway at St. Regis, thence along unnumbered highway to the United States-Canada International Boundary line, on the one hand, and, on the other, those points in New Jersey north of a line beginning at the New Jersey-Pennsylvania State line and extending along U.S.

Highway 206 to junction County Highway 524, thence along County Highway 524 to junction County Highway 539, thence along County Highway 539 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 37, thence along New Jersey Highway 37 to junction U.S. Alternate Highway 9.

Thence along U.S. Alternate Highway 9 to Toms River, thence along Toms River to Barnegat Bay, and on and south of a line beginning at the New Jersey-Pennsylvania State line, and extending along U.S. Highway 202 to junction County Highway 514, thence along County Highway 514 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to Raritan Bay; (2) between those points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rochester, thence along New York Highway 18 to Lake Ontario, on the one hand, and, on the other, those points in New Jersey north of a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 202 to junction County Highway 514, thence along County Highway 514 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to Raritan Bay, and on and south of a line beginning at the Delaware River, and extending along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to Newark, thence along U.S. Highway 1 to the Hudson Bay; and (3) between those points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 16 to Buffalo, thence along U.S. Highway 62 to junction New York Highway 425, thence along New York Highway 425 to Lake Ontario, on the one hand, and, on the other, those points in New Jersey north of a line beginning at the Delaware River and extending along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to Newark, thence along U.S. Highway 1 to the Hudson River, and on and south of a line beginning at the Delaware River and extending along New Jersey Highway 20 to junction unnumbered highway, thence along unnumbered highway to junction Interstate Highway 78, thence along Interstate Highway 78 to junction U.S. Highway 202, thence along U.S. Highway 202 to Morristown, thence along County Highway 511 to Whippany, thence along New Jersey Highway 10 to junction County Highway 527, thence along County Highway 527 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to junction Interstate Highway 80, thence along Inter-

state Highway 80 to the Hudson River. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 127974 (Sub-No. E12), filed January 30, 1975. Applicant: P. LIEDT-KA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities as require specialized handling or rigging because of size or weight, between those points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 305 to junction New York Highway 17, thence along New York Highway 17 to Olean, thence along New York Highway 16 to the Niagara River, thence along the Niagara River to Lake Ontario, on the one hand, and, on the other, those points in New Jersey north of a line beginning at the Delaware River and extending along New Jersey Highway 20 to junction unnumbered highway, thence along unnumbered highway to junction Interstate Highway 78, thence along Interstate Highway 78 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction County Highway 511, thence along County Highway 511 to junction New Jersey Highway 10, thence along New Jersey Highway 10 to junction County Highway 527, thence along County Highway 527 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River and on and south of a line beginning at the Delaware River and extending along unnumbered highway to junction New Jersey Highway 173, thence along New Jersey Highway 173 to junction Interstate Highway 78, thence along Interstate Highway 78 to junction County Highway 513, thence along County Highway 513 to junction County Highway 512, thence along County Highway 512 to junction County Highway 525, thence along County Highway 525 to junction New Jersey Highway 24, thence along New Jersey Highway 24 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to junction U.S. Highway 46, thence along U.S. Highway 46 to Paterson, thence along New Jersey Highway 4 to junction County Highway 503, thence along County Highway 503 to junction New Jersey Highway 6, thence along New Jersey Highway 6 to junction County Highway 505, thence along County Highway 505 to junction unnumbered highway near Northvale, thence along unnumbered highway to the New Jersey-New York State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.*

No. MC 127974 (Sub-No. E13), filed January 30, 1975. Applicant: P. LIEDT-KA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's

representative: Philip Liedtka (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities as require specialized handling or rigging because of size or weight, between those points in New York bounded by a line beginning at the New York-Vermont State line and extending along U.S. Highway 20 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 3, thence along New York Highway 3 to Lake Champlain, on the one hand, and, on the other, those points in New Jersey bounded by a line beginning at the Delaware River, and extending along U.S. Highway 206 to junction County Highway 524, thence along County Highway 524 to junction New Jersey Turnpike, thence along New Jersey Turnpike to junction County Highway 545, thence along County Highway 545 to Brown Mills, thence along County Highway 530 to junction unnumbered highway near Pemberton, thence along unnumbered highway to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction County Highway 563, thence along County Highway 563 to junction County Highway 563 Spur, thence along County Highway 563 Spur to New Gretna, thence along U.S. Highway 9 to junction County Highway 585, thence along County Highway 585 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Delaware River, thence along the Delaware River to the point of beginning. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.*

No. MC 133666 (Sub E16), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel Smetanich (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *refractory products (except in bulk), from Fords, N.J., to points in Alabama, Iowa, those in Tennessee in and west of Camphill, Union, Knox, Blount, Monroe, and Polk Counties, Tennessee.*

No. MC 134501 (Sub-No. E1), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 13, 1975. Applicant: INCORPORATED CARRIERS, LTD., A Division of Brooks International, Inc., P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 600 Leninger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture; (1) from points in Alabama on, south, and west of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 11 to junction Interstate Highway 65, thence along Interstate Highway 65 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida State line to points in Illinois on, west, and north of a line be-*

ginning at junction U.S. Highway 24 with the Mississippi River, thence along U.S. Highway 24 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line (Shelby County, Tenn.); (7) from points in Delaware to points in Arizona, Arkansas, California, Colorado (except points in Logan, Sedgwick, Phillips, Morgan, Washington, and Yuma Counties), Idaho, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and that part of Kansas on and south of a line beginning at the Kansas-Colorado State line extending along Interstate Highway 70 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line (Shelby County, Tenn.); and (13) from points in Georgia to points in that part of Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 12 to St. Paul, thence along Interstate Highway 35 to the Minnesota-Iowa State line (Shelby County, Tenn.). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to: in (1) above, to correct the territorial description; in (7) above, to correct the highway description; and in (13) above to correct the territorial description. The remainder of this letter-notice remains as previously published. The above carrier's has been changed from U.F.T. Transport, Inc., to Incorporated Carriers, L.T.D., a division of Brooks International, Inc.

No. MC 134501 (Sub-No. E2), filed June 4, 1974. Applicant: INCORPORATED CARRIERS, L.T.D., A Division of BROOKS INTERNATIONAL, INC., P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*; (1) from points in Alabama to points in (a) Arizona, California, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming (Shelby County, Tenn.); (b) Arkansas (Camden, Ark., or Shelby County, Tenn.); (c) Kansas (Camden, Ark., and Ft. Smith, Ark., or Shelby County, Tenn.); (d) Nevada and New Mexico (Stamps or Little Rock, Ark.); and (e) Oklahoma (Stamps, Ark., or Memphis, Tenn.); (2) from points in Alabama to points in Texas on, north, and west of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 67 to Dallas, Tex., thence along Interstate Highway 35E to Waco, Tex., thence along U.S. Highway 81 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway

80, thence along U.S. Highway 80 to junction with the Texas-New Mexico State line (Stamps, Ark.); (3) (a) from points in Arkansas to points in (a) Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia (Shelby County, Tenn.); and Georgia (Stamps, Ark., or Shelby, Ark., or Shelby County, Tenn.); and (c) from points in that part of Arkansas on, north, and west of a line beginning at Interstate Highway 40 and the Mississippi River, thence along Interstate Highway 40 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line to points in Alabama (Shelby County, Tenn.; Sebastian County, Ark., or Stamps, Ark.); (d) From points in Arkansas to points in that part of Florida on and south of Interstate Highway 4 (Shelby County, Tenn.; Sebastian County, Ark., or Stamps, Ark.); (e) from points in Arkansas to points in that part of Georgia on, north, and east of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 20 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Georgia-Florida State line (Shelby County, Tenn.); (f) from points in Arkansas to points in that part of Ohio on, east, and south of a line beginning at the Michigan-Ohio State line and U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-Ohio State line (Shelby County, Tenn.); (4) (a) from points in that part of Arkansas on and south of Interstate Highway 40 to points in Indiana (Little Rock, Ark.); (b) from points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line to points in Tennessee (Stamps, Ark.); (5) from points in Arizona to points in (a) Alabama and Florida (Texas and Stamps, Ark.); and (b) Georgia and North Carolina (Dallas, Tex.); (6) from points in California to points in Alabama and Florida (Texas and Stamps, Ark.); (7) from points in Colorado to points in (a) Alabama, Florida, and Georgia (Little Rock, Ark.); and (b) Connecticut, Delaware, that part of Indiana on and south of U.S. Highway 50, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia (Kentucky or Shelby County, Tenn.); (8) (a) From points in Florida to points in (1) Arizona, California, and New Mexico (Texas and Stamps, Ark.);

(2) Kansas, Nebraska, and Wyoming (Little Rock, Ark., and Saline County, Ark.); and (3) Oklahoma (Little Rock, Ark.); (b) from points in Florida to points in that part of Arkansas on, north, and west of a line beginning at Interstate Highway 40 and the Mississippi River, thence along Interstate Highway 40 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line (Shelby County, Tenn., or Stamps, Ark.); (9) from points in Florida to that part of Texas on, north, and west of a line beginning at the Arkansas-Texas State line and Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to Waco, thence along U.S. Highway 77 to Victoria, thence along U.S. Highway 87 to the Gulf of Mexico (Stamps, Ark.); (10) from points in Georgia to points in (a) Kansas (Saline County and Little Rock, Ark.); and (b) Oklahoma (Little Rock, Ark.); (11) from points in Georgia to points in Texas on, north, and west of a line beginning at the Arkansas-Texas State line extending along U.S. Highway 67 to Dallas, thence along U.S. Highway 77 to Waco, thence along Interstate Highway 35 to junction U.S. Highway 57, thence along U.S. Highway 57 to the United States-Mexico International Boundary line; (12) (a) from points in Mississippi to points in Ohio, Pennsylvania, New York, New Jersey, Delaware, points in that part of Maryland on and west of a line beginning at the Maryland-District of Columbia border line, and extending along U.S. Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line, Frederick, Clarke, Loudoun, Fauquier, Rappahannock, Warren, and Shenandoah Counties, Va., and that part of West Virginia on and north of a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 119 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line (Shelby County, Tenn.); (b) From points in that part of Mississippi on and west of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 51 to junction Natchez Trace Parkway, thence along the Natchez Trace Parkway to junction Mississippi Highway 15, thence along Mississippi Highway 15 to the Mississippi-Tennessee State line to points in Virginia, Maryland, and West Virginia (Shelby County, Tenn.); (13) from points in Missouri to points in Florida, Georgia, and North Carolina (Tennessee, except Cocke, Hamblen, and Knox Counties); (14) from points in Montana to points in Maryland (Kentucky); (15)

from points in Nebraska to points in Florida (Saline County and Little Rock, Ark.) *; (16) from points in Nevada to points in (a) Alabama and Florida (Stamps or Little Rock, Ark.) *, (b) Connecticut, Delaware, Georgia, South Carolina, and Tennessee (Shelby County, Tenn.) *, (c) that part of Indiana south of U.S. Highway 50, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia (Kentucky) *, (d) Iowa, Kansas, Missouri, Nebraska, and Sheridan, Johnson, Natrona, Albany, Laramie, Platte, Goshen, Converse, Niobrara, Campbell, Weston, and Crook Counties, Wyo. (Colorado) *, and (e) Louisiana and Mississippi (Oklahoma) *; (17) from points in New Mexico to points in (a) Florida (Texas and Stamps, Ark.) *, and (b) New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia (Texas and Waldron, Ark.) *; (18) from Oklahoma to points in (a) Florida and Georgia (Little Rock, Ark.) *, and (b) North Carolina (Stamps, Ark.) *; (19) from Rhode Island to points in New Mexico (Texas and Waldron, Ark.) *; (20) from Vermont to points in New Mexico (Texas and Waldron, Ark.) *; (21) from Virginia to points in New Mexico and Oklahoma (Texas and Waldron, Ark.) *; (22) from West Virginia to points in New Mexico (Texas and Waldron, Ark.) *; and (23) from Wyoming to points in Florida (Saline County and Little Rock, Ark.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 135248 (Sub-No. E1), filed June 30, 1975. Applicant: DEES TRANSPORTATION, INC., P.O. Box 446, Worland, Wyo. 82401. Applicant's representative: Irene Worr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages* (except in bulk, in tank vehicles); (a) from Denver, Colo., to points in Nebraska (except points on and south of Nebraska Highway 23 and on and west of U.S. Highway 283), and points in North Dakota (points in Wyoming) *; (b) from Denver, Colo., to points in Montana on and west of U.S. Highway 310 beginning at the Montana-Wyoming State line extending along U.S. Highway 310 to Billings, thence along U.S. Highway 87 to Grassrange, thence along Montana Highway 19 to junction U.S. Highway 191, thence along U.S. Highway 191 to Malta, thence along Montana Highway 242 to the United States-Canada International Boundary line, points in Idaho on and north of U.S. Highway 12 and Spokane, Wash. (Worland, Wyo.) *; and (c) from Worland, Wyo., to points in Arizona and New Mexico (Denver, Colo.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 136553 (Sub E42), filed June 30, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, except commodities which require special equipment and commodities in bulk, from the Burns Harbor, Indiana plant site of the Bethlehem Steel Corp., to all points in Minnesota; points in Iowa that are north and west of a line starting at Dubuque, Ia., and continuing south along U.S. Highway 151 to junction Iowa Highway 1, thence south along Iowa Highway 1 to junction Iowa Highway 22, thence west along Iowa Highway 22 to junction Iowa Highway 149, thence south along Iowa Highway 149 to junction U.S. Highway 63, thence south along U.S. Highway 63 ending at the Iowa-Missouri Border; points in Wisconsin that are on or west of a line starting at the Illinois-Wisconsin border, thence continuing north along U.S. Highway 61 to junction Wisconsin Highway 27, thence north along Wisconsin Highway 27 to junction U.S. Highway 12, thence north along U.S. Highway 12, to junction Wisconsin Highway 27, thence north along Wisconsin Highway 27 to junction U.S. Highway 63, thence north along U.S. Highway 63 ending at Ashland, Wisconsin; and points in Illinois that are west of the Galena River, including Galena, Illinois. Restriction: The authority above is restricted to the transportation of shipments originating at, or destined to, the plant site of Bethlehem Steel Corp., in Burns Harbor, Porter County, Indiana; and is further restricted to the transportation of shipments having a prior movement by water carrier. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub E43), filed June 30, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery* (except in bulk), from Rock Island and Moline, Illinois, to all points in Minnesota; points in Wisconsin that are north and west of a line starting at the Illinois-Wisconsin border and continuing north along Wisconsin Highway 69 to junction U.S. Highway 151, thence north along U.S. Highway 151 to junction Wisconsin Highway 33, thence east along Wisconsin Highway 33 ending at Port Washington, Wisconsin; points in Iowa that are on and north of U.S. Highway 20; and points in Illinois that are west of the Galena River, including Galena, Illinois. Restriction: The operations authorized above are restricted to the transportation of shipments having a prior movement by water carrier. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub E44), filed June 30, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Flux stone*, except in bulk, from points in Rock Island County, Illinois, to all points in Minnesota; points in Iowa that are on or north of U.S. Highway 20; and points in Wisconsin that are north and west of a line starting at the Illinois-Wisconsin border and continuing north along U.S. Highway 151 to junction Wisconsin Highway 33, thence east along Wisconsin Highway 33 ending at Port Washington, Wisconsin. Restriction: The operations authorized herein are restricted to the transportation of shipments having a prior movement by water carrier. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub-No. E45), filed June 30, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, hides, and tannery products and supplies, from Chicago, Illinois, to all points in Minnesota; points in Iowa that are north and west of a line starting at Dubuque, Iowa and continuing south along U.S. Highway 151 to junction Iowa Highway 1, thence south along Iowa Highway 1 to junction Iowa Highway 22, thence west along Iowa Highway 22 to junction Iowa Highway 149, thence south along Iowa Highway 149 to junction U.S. Highway 63, thence south along U.S. Highway 63 ending at the Iowa-Missouri border; points in Wisconsin that are on or west of a line starting at the Illinois-Wisconsin border and continuing north along U.S. Highway 61 to junction U.S. Highway 53, thence north along U.S. Highway 53 to junction U.S. Highway 10, thence east along U.S. Highway 10 to junction Wisconsin Highway 27, thence north along Wisconsin Highway 27 to junction U.S. Highway 63, thence north along U.S. Highway 63 ending at Ashland, Wisconsin; and those points in Illinois west of Galena River, including Galena, Illinois. Restriction: The operations authorized herein are restricted to the transportation of shipments having a prior movement by water carrier. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub E47), filed June 30, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, except in bulk, from Chicago, Illinois, to all points in Nebraska. Restriction: The operations authorized herein are restricted to the transportation of shipments having a prior movement by water carrier. The

purpose of this filing is to eliminate the gateways of Dubuque, Iowa and the warehouse of Etter Bros., Inc., at or near Webster City, Iowa.

No. MC 119777 (Sub-No. E115), filed May 15, 1974. Applicant: LIGON SPECIALIZED HAULER, P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Truck bodies and parts thereof*, when moving in connection with truck bodies, (1) between Indiana, on the one hand, and, on the other, Arizona, Colorado, Idaho, Nevada, New Mexico, and Utah; (2) between Iowa, on the one hand, and, on the other, Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, and Virginia; (3) between Kentucky, on the one hand, and, on the other, Arizona, Idaho, Montana, Nevada, North Dakota, South Dakota, Utah and Wyoming; (4) between Michigan, on the one hand, and, on the other, Alabama, Arkansas, Florida, Louisiana, and Mississippi; (5) between Minnesota, on the one hand, and, on the other, Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, and Virginia; (6) between Missouri, on the one hand, and, on the other, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (7) between Ohio, on the one hand, and, on the other, Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming; (8) between Tennessee, on the one hand, and, on the other, Idaho, Montana, and North Dakota.

(9) Between West Virginia, on the one hand, and, on the other, Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming; (10) between Wisconsin, on the one hand, and, on the other, Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Mississippi, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, and Virginia; (11-1a) between points in Indiana on, north and west of a line commencing at the Illinois-Indiana State line, thence east on Indiana Highway 154 to the junction of U.S. Highway 41, thence north on U.S. Highway 41 to the junction of Indiana Highway 48, thence east on Indiana Highway 48 to the junction of Indiana Highway 59, thence north on Indiana Highway 59 to the junction of Indiana Highway 246, thence east on Indiana Highway 246 to the junction of Indiana Highway 46, thence east on Indiana Highway 46 to the junction of U.S. Highway 231, thence north on U.S. Highway 231 to the junction of Interstate 70,

thence east on Interstate 70 to the junction of Indiana Highway 287, thence north on Indiana Highway 267 to the junction of U.S. Highway 40, thence east on U.S. Highway 40 to the junction of Interstate 465, thence north on Interstate 465 to the junction of U.S. Highway 31, thence north on U.S. Highway 31 to the junction of U.S. Highway 24, thence east on U.S. Highway 24 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Alabama.

(11-1b) Between Bloomington, Indiana; and points in Indiana on, north and west of a line commencing at the Indiana-Ohio State line on U.S. Highway 40, thence west on U.S. Highway 40 to the junction of Interstate 465, thence south and west on Interstate 465 to the junction of Indiana Highway 67, thence southwest on Indiana Highway 67 to the junction of Indiana Highway 39, thence south on Indiana Highway 39 to the junction of Indiana Highway 37, thence south on Indiana Highway 37 to the junction of Indiana Highway 45, thence southwest on Indiana Highway 45 to the junction of Indiana Highway 445, thence west on Indiana Highway 445 to the junction of Indiana Highway 54, thence west on Indiana Highway 54 to its terminus at Merron, Indiana, on the one hand, and, on the other, points in Alabama on, south and west of a line commencing at the Alabama-Mississippi State line on U.S. Highway 82, thence Southeast on U.S. Highway 82 to the junction of U.S. Highway 11, thence east and northeast on U.S. Highway 11 to the junction of U.S. Highway 31, thence south on U.S. Highway 31 to the junction of U.S. Highway 82, thence east on U.S. Highway 82 to the junction of U.S. Highway 231, thence southeast on U.S. Highway 231 to the junction of U.S. Highway 84, thence southeast on U.S. Highway 84 to the Alabama-Georgia State line; (11-2) between points in Indiana on and north of a line commencing at the Illinois-Indiana State line on Indiana Highway 154, thence east on Indiana Highway 154 to the junction of Indiana Highway 54, thence east on Indiana Highway 54 to the junction of Indiana Highway 45, thence northeast on Indiana Highway 45 to the junction of Indiana Highway 46, thence northeast on Indiana Highway 46 to the junction of Indiana Highway 7, thence southeast on Indiana Highway 7 to the Junction of U.S. Highway 50, thence east on U.S. Highway 50 to the junction of Indiana Highway 350, thence east on Indiana Highway 350 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Arkansas.

(11-3a) Between points in Indiana on and west of a line commencing at the Indiana-Illinois State line on U.S. Highway 24, thence east on U.S. Highway 24 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the junction of Indiana Highway 55, thence southeast on Indiana Highway 55 to the junction of U.S. Highway 136, thence east on U.S. Highway 136 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Connecticut;

(11-3b) between points in Indiana on and west of a line commencing at the Indiana-Illinois State line on U.S. Highway 52, thence east and southeast on U.S. Highway 52 to the junction of Interstate 65, thence southeast on Interstate 65 to the junction of Indiana Highway 135, thence south on Indiana Highway 135 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Connecticut on and east of a line commencing at the Connecticut-Massachusetts State line on Interstate 91, thence south on Interstate 91 to its terminus at New Haven, Connecticut; (11-4) between points in Indiana on, south and west of a line commencing at the Illinois-Indiana State line on U.S. Highway 52, thence east and southeast on U.S. Highway 52 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to the junction of Indiana Highway 46, thence southeast on Indiana Highway 46 to the junction of Indiana Highway 45, thence southwest on Indiana Highway 45 to the junction of Indiana Highway 37, thence south on Indiana Highway 37 to junction of Indiana Highway 66, thence south and west on Indiana Highway 66 to the junction of Indiana Highway 166, thence south on Indiana Highway 166 to the terminus at Tobinsport, Indiana, on the one hand, and, on the other, points in Delaware.

(11-5) Between points in Indiana on and west of a line commencing at the Illinois-Indiana State line on U.S. Highway 30, thence east on U.S. Highway 30 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the junction of Indiana Highway 14, thence east on Indiana Highway 14 to the junction of Interstate Highway 65, thence south on Interstate Highway 65 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to the junction of Indiana Highway 46, thence east on Indiana Highway 46 to the junction of Indiana Highway 45, thence southwest on Indiana Highway 45 to the junction of U.S. Highway 460, thence east on U.S. Highway 460 to the junction of Indiana Highway 245, thence south on Indiana Highway 245 to the junction of Indiana Highway 70, thence east on Indiana Highway 70 to the junction of Indiana Highway 66, thence east on Indiana Highway 66 to the terminus at Cannelton, Indiana, on the one hand, and, on the other, points in the District of Columbia.

(11-6a) Between Vincennes, Indiana; and points in Indiana on and north of a line commencing at the Illinois-Indiana State line on Indiana Highway 154, thence east on Indiana Highway 154 to the junction of Indiana Highway 63, thence south on Indiana Highway 63 to the junction of Indiana Highway 58, thence southeast on Indiana Highway 58 to the junction of Indiana Highway 67, thence northeast on Indiana Highway 67 to the junction of Indiana Highway 54, thence east on Indiana Highway 54 to the junction of Indiana Highway 445, thence east on Indiana Highway 445 to the junction of Indiana Highway 45, thence northeast on Indiana Highway 45 to the junction of Indiana Highway 46,

thence northwest on Indiana Highway 46 to the junction of Indiana Highway 37, thence northeast on Indiana Highway 37 to the junction of Indiana Highway 44, thence east on Indiana Highway 44 to the junction of Indiana Highway 3, thence north on Indiana Highway 3 to the junction of U.S. Highway 40, thence east on U.S. Highway 40 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Florida on and south of a line commencing at the Alabama-Florida State line on U.S. Highway 98, thence southeast on U.S. Highway 98 to the junction of Florida Highway 65, thence north on Florida Highway 65 to the junction of Florida Highway 20, thence east on Florida Highway 20 to the junction of U.S. Highway 90, thence east on U.S. Highway 90 to its terminus at Jacksonville Beach, Florida.

(11-6b) Between points in Indiana, on north and west of a line commencing at the Indiana-Ohio State line on U.S. Highway 40, thence west on U.S. Highway 40 to the junction of Indiana Highway 3, thence south on Indiana Highway 3 to the junction of Indiana Highway 46, thence southwest on Indiana Highway 46 to the junction of Interstate Highway 65, thence south on Interstate Highway 65 to the junction of Indiana Highway 58, thence southwest on Indiana Highway 58 to the junction of Indiana Highway 37, thence south on Indiana Highway 37 to the junction of U.S. Highway 50, thence southwest on U.S. Highway 50 to the junction of Indiana Highway 57, thence south on Indiana Highway 57 to the junction of Indiana Highway 64, thence west on Indiana Highway 64 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Florida on, south and east of a line commencing at Daytona Beach, Florida, thence southwest on U.S. Highway 92, to its terminus at St. Petersburg, Florida; (11-7) between Vincennes, Indiana; and points in Indiana on, north and west of a line commencing at the Indiana-Michigan State line on U.S. Highway 27, thence south on U.S. Highway 27 to the junction of Indiana Highway 37, thence southwest on Indiana Highway 37 to the junction of Indiana Highway 46, thence southeast on Indiana Highway 46 to the junction of Indiana Highway 45, thence southwest on Indiana Highway 45 to the junction of Indiana Highway 54, thence west on Indiana Highway 54 to the junction of Indiana Highway 67, thence southwest on Indiana Highway 67 to the junction of U.S. 41, thence south on U.S. Highway 41 to the junction of U.S. Highway 50, thence west on U.S. Highway 50 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Georgia on and south of a line commencing at Savannah, Georgia, thence west on U.S. Highway 80 to the junction of U.S. Highway 1, thence south on U.S. Highway 1 to the junction of U.S. Highway 280, thence west on U.S. Highway 280 to the junction of Georgia Highway 257, thence southwest on Georgia Highway 257 to the junction of U.S. Highway 82, thence west on U.S. Highway 82 to the junction of Georgia Highway 91, thence west on Georgia Highway 91

to the junction of Georgia Highway 62, thence west on Georgia Highway 62 to the Georgia-Alabama State line.

(11-8) Between points in Indiana on and east of a line commencing at the Indiana-Illinois State line on U.S. Highway 50, thence east on U.S. Highway 50 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Kansas; (11-9a) between points in Indiana on and north of a line commencing at the Illinois-Indiana State line at Vincennes, Indiana, thence south on Indiana Highway 441 to the junction of U.S. Highway 50, thence northeast on U.S. Highway 50 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Louisiana on, south and west of a line commencing at the Arkansas-Louisiana State line on U.S. Highway 167, thence south on U.S. Highway 167 to the junction of U.S. Highway 84, thence southeast on U.S. Highway 84 to the Louisiana-Mississippi State line; (11-9b) between points in Indiana on and north of a line commencing at the Illinois-Indiana State line on Indiana Highway 64, thence east on Indiana Highway 64 to the junction of U.S. Highway 460, thence east on U.S. Highway 460 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Louisiana on, south and east of a line commencing approximately ten (10) miles southeast of Creole, Louisiana at the Mermentau River on Louisiana Highway 82, thence north and west on Louisiana Highway 82 to the junction of Louisiana Highway 27, thence north on Louisiana Highway 27 to the junction of Louisiana Highway 14, thence north and west on Louisiana Highway 14 to the junction of U.S. Highway 90, thence west on U.S. Highway 90 to the Louisiana-Texas State line.

(11-9c) Between points in Indiana on and north of a line commencing at the Illinois-Indiana State line on Indiana Highway 154, thence east on Indiana Highway 154 to the junction of Indiana Highway 54, thence east on Indiana Highway 54 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to the junction of Indiana Highway 58, thence east on Indiana Highway 58 to the junction of Indiana Highway 37, thence southeast on Indiana Highway 37 to the junction of U.S. Highway 50, thence east and northeast on U.S. Highway 50 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Louisiana; (11-10a) between points in Indiana on, south and west of a line commencing at the Indiana-Kentucky State line on Interstate Highway 65, thence north on Interstate Highway 65 to the junction of Interstate Highway 465, thence northeast on Interstate Highway 465 to the junction of Interstate Highway 65, thence northwest on Interstate Highway 65 to the junction of U.S. Highway 30, thence west on U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Maine.

(11-10b) Between points in Indiana on, south and west of a line commencing

at the Indiana-Kentucky State line at Madison, Indiana, thence northwest on Indiana Highway 7 to the junction of U.S. Highway 31, thence north on U.S. Highway 31 to the junction of Indiana Highway 22, thence west on Indiana Highway 22 to the junction of Indiana Highway 29, thence south on Indiana Highway 29 to the junction of Indiana Highway 26, thence west on Indiana Highway 26 to the junction of U.S. Highway 421, thence northwest on U.S. Highway 421 to the junction of Indiana Highway 14, thence west on Indiana Highway 14 to the junction of Indiana Highway 49, thence north on Indiana Highway 49 to the junction of U.S. Highway 30, thence west on U.S. Highway 30 to the junction of Indiana Highway 53, thence north on Indiana Highway 53 to its terminus at Gary, Indiana, on the one hand, and, on the other, points in Maine on, north and east of a line commencing at the United States-Canadian border on U.S. Highway 201, thence south on U.S. Highway 201 to the junction of U.S. Highway 2, thence east on U.S. Highway 2 to the junction of U.S. Highway Alternate 1, thence south on U.S. Highway Alternate 1 to the junction of Maine Highway 3, thence south on Maine Highway 3 to the junction of Maine Highway 102, thence south on Maine Highway 102 to the terminus at West Tremont, Maine; (11-11) between points in Indiana on and west of a line commencing at the Kentucky-Indiana State line on Indiana Highway 57, thence northeast on Indiana Highway 57 to the junction of U.S. Highway 231, thence northeast and north on U.S. Highway 231 to the junction of U.S. Highway 40, thence west on U.S. Highway 40 to the junction of Indiana Highway 59, thence north on Indiana Highway 59 to the junction of U.S. Highway 36, thence west on U.S. Highway 36 to the junction of U.S. Highway 41, thence north on U.S. Highway 41 to the junction of Indiana Highway 2, thence west on Indiana Highway 2 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Maryland.

(11-12) Between points in Indiana on, south and west of a line commencing at the Indiana-Illinois State line on U.S. Highway 52, thence southeast on U.S. Highway 52 to the junction of Interstate Highway 65, thence southeast on Interstate Highway 65 to the junction of U.S. Highway 31, thence southeast on U.S. Highway 31 to the junction of U.S. Highway 31-A, thence south on U.S. Highway 31-A to the junction of Indiana Highway 46, thence west on Indiana Highway 46 to the junction of Indiana Highway 135, thence south on Indiana Highway 135 to Mauckport, Indiana, on the one hand, and, on the other, points in Massachusetts on and east of a line commencing at the Massachusetts-Connecticut State line on U.S. Highway 7, thence north on U.S. Highway 7 to the junction of Maine Highway 9, thence northeast on Maine Highway 9 to the junction of Maine Highway 8, thence north on Maine Highway 8 to the Massachusetts-Vermont State line; (11-13a) between points in

Indiana on and north of a line commencing at the Indiana-Illinois State line on U.S. Highway 40, thence east on U.S. Highway 40 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Mississippi.

(11-13b) Between points in Indiana on and north of a line commencing at Vincennes, Indiana, thence north on U.S. Highway 41 to the junction of Indiana Highway 67, thence north on Indiana Highway 67 to the junction of Indiana Highway 358, thence east on Indiana Highway 358 to the junction of Indiana Highway 58, thence east on Indiana Highway 58 to the junction of Indiana Highway 37, thence south on Indiana Highway 37 to Bedford, Indiana, thence north on Indiana Highway 37 to the junction of Indiana Highway 58, thence east on Indiana Highway 58 to the junction of Interstate Highway 65, thence north on Interstate Highway 65 to the junction of Indiana Highway 46, thence east on Indiana Highway 46 to the junction of Indiana Highway 3, thence north on Indiana Highway 3 to the junction of Interstate Highway 74, thence east on Interstate Highway 74 to the Ohio-Indiana State line on the one hand, and, on the other, points in Mississippi on and south of a line commencing at the Mississippi-Louisiana State line on U.S. Highway 80, thence east on U.S. Highway 80 to the junction of U.S. Highway 49, thence south on U.S. Highway 49 to the junction of U.S. Highway 84, thence east on U.S. Highway 84 to the Mississippi-Alabama State line; (11-14) between points in Indiana, on the one hand, and, on the other, points in Montana, on and west of a line commencing at the United States-Canadian border on Montana Secondary Road 233, thence south on Montana Secondary Road 233 to the junction of U.S. Highway 87, thence southwest on U.S. Highway 87 to Great Falls, Montana, thence southeast on U.S. Highway 87 to Lewistown, Montana, thence southwest on U.S. Highway 87 to the junction of U.S. Highway 191, thence south on U.S. Highway 191 to the junction of U.S. Highway 10, thence east on U.S. Highway 10 to Billings, Montana, thence west on U.S. Highway 10 to the junction of U.S. Highway 310, thence south on U.S. Highway 310 to the Montana-Wyoming State line.

(11-15a) Between points in Indiana, on the one hand, and, on the other, points in Nebraska on, south, and west of a line commencing at the Nebraska-Wyoming State line on U.S. Highway 26, thence east on U.S. Highway 26 to the junction of Nebraska Highway 71, thence north and east on Nebraska Highway 71 to the junction of Nebraska Highway 2, thence south on Nebraska Highway 2 to the junction of U.S. Highway 385, thence south on U.S. Highway 385 to the Nebraska-Colorado State line; and points in Nebraska on and south of a line commencing at the Nebraska-Colorado State line on U.S. Highway 6, thence east on U.S. Highway 6 to the junction of U.S. Highway 83, thence south on U.S. Highway 83 to the junction of Nebraska Highway 89, thence east on Nebraska Highway

89 to the junction of U.S. Highway 136, thence east on U.S. Highway 136 to the junction of Nebraska Highway 15, thence south on Nebraska Highway 15 to the Nebraska-Kansas State line; (11-15b) between points in Indiana on, south and east of a line commencing at the Indiana-Illinois State line on U.S. Highway 136, thence east on U.S. Highway 136 to the junction of Indiana Highway 32, thence east on Indiana Highway 32 to the junction of Indiana Highway 37, thence northeast on Indiana Highway 37 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Nebraska; (11-16) between points in Indiana on, south and west of a line commencing at the Indiana-Kentucky State line at Jeffersonville, Indiana, thence north on Interstate Highway 65 to the junction of U.S. Highway Alternate 31, thence northwest on U.S. Highway Alternate 31 to the junction of U.S. Highway 31, thence northwest on U.S. Highway 31 to the junction of Interstate Highway 65, thence northwest on Interstate Highway 65 to the junction of U.S. Highway 52, thence northwest on U.S. Highway 52 to the junction of U.S. Highway 41, thence north and northwest on U.S. Highway 41 to the junction of U.S. Highway 30, thence west on U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, points in New Hampshire.

(11-17) Between points in Indiana on, south, and west of a line commencing at the Illinois-Indiana State line on U.S. Highway 52, thence southeast on U.S. Highway 52 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to the junction of Indiana Highway 46, thence southeast on Indiana Highway 46 to the junction of Indiana Highway 37, thence south on Indiana Highway 37 to the junction of U.S. Highway 150, thence west on U.S. Highway 150 to the junction of Indiana Highway 145, thence south on Indiana Highway 145 to the junction of Indiana Highway 37, thence south on Indiana Highway 37 to the junction of Indiana Highway 237, thence south on Indiana Highway 237 to the terminus of Cannelton, Indiana, on the one hand, and, on the other, points in New Jersey; (11-18) between points in Indiana on, south, and west of a line commencing at the Indiana-Illinois State line on U.S. Highway 36, thence east on U.S. Highway 36 to the junction of Indiana Highway 59, thence south on Indiana Highway 59 to the junction of Indiana Highway 157, thence southeast on Indiana Highway 157 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in New York; (11-19a) between points in Indiana on, north and west of a line commencing at Gary, Indiana, thence south on Interstate 65 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to the junction of Indiana Highway 47, thence southwest on Indiana Highway 47 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the junction of U.S. Highway 36, thence east on U.S.

Highway 36 to the junction of Indiana Highway 59, thence south on Indiana Highway 59 to the junction of Indiana Highway 246, thence west on Indiana Highway 246 to the junction of Indiana Highway 63, thence south on Indiana Highway 63 to the junction of Indiana Highway 154, thence west on Indiana Highway 154 to the Illinois-Indiana State line, on the one hand, and, on the other, points in North Carolina.

(11-19b) Between points in Indiana on, north, and west of a line commencing at the Illinois-Indiana State line on Indiana Highway 64, thence east on Indiana Highway 64 to the junction of Indiana Highway 65, thence northeast on Indiana Highway 65 to the junction of Interstate Highway 56, thence east on Indiana Highway 56 to the junction of Indiana Highway 57, thence northeast on Indiana Highway 57 to the junction of Indiana Highway 54, thence east on Indiana Highway 54 to the junction of Indiana Highway 45, thence northeast on Indiana Highway 45 to the junction of Indiana Highway 37, thence north on Indiana Highway 37 to the junction of Interstate Highway 465, thence east on Interstate Highway 465 to the junction of U.S. Highway 31, thence north on U.S. Highway 31 to the junction of U.S. Highway 421, thence north on U.S. Highway 421 to the junction of Indiana Highway 29, thence north on Indiana Highway 29 to the junction of U.S. Highway 35, thence northwest on U.S. Highway 35 to the junction of Indiana Highway 39, thence north on Indiana Highway 39 to the Michigan-Indiana State line, on the one hand, and, on the other, points in North Carolina on, south and east of a line commencing at Southport, North Carolina, thence north on North Carolina Highway 133, to the junction of U.S. Highway 17, thence north on U.S. Highway 17 to the junction of North Carolina Highway 55, thence east on North Carolina Highway 55 to the terminus at Moores Corner, North Carolina.

(11-20) Between points in Indiana on and south of a line commencing at the Illinois-Indiana State line on Indiana Highway 26, thence east on Indiana Highway 26 to the junction of Indiana Highway 29, thence north on Indiana Highway 29 to the junction of Indiana Highway 22, thence east on Indiana Highway 22 to the junction of U.S. Highway 35, thence east on U.S. Highway 35 to the junction of Indiana Highway 37, thence north on Indiana Highway 37 to the junction of Indiana Highway 18, thence east on Indiana Highway 18 to the junction of Indiana Highway 67, thence east on Indiana Highway 67 to the Indiana-Ohio State line, on the one hand, and, on the other, points in North Dakota; (11-21) between points in Indiana on and north of a line commencing at the Indiana-Illinois State line on U.S. Highway 50, thence east on U.S. Highway 50 to the junction of U.S. Highway 150, thence east on U.S. Highway 150 to the junction of Indiana Highway 56, thence east on Indiana Highway 56 to the junction of U.S. Highway 421, thence south on U.S.

Highway 421 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Oklahoma; (11-22) between points in Indiana on, south, and west of a line commencing at the Illinois-Indiana State line on U.S. Highway 36, thence east on U.S. Highway 36 to the junction of Indiana Highway 59, thence south on Indiana Highway 59 to the junction of Indiana Highway 67, thence southwest on Indiana Highway 67 to the junction of Indiana Highway 58, thence east on Indiana Highway 58 to the junction of Indiana Highway 57, thence south on Indiana Highway 57 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Pennsylvania.

(11-23) Between points in Indiana on and west of a line commencing at Gary, Indiana, thence south on Interstate 65 to the junction of U.S. Highway 24, thence east on U.S. Highway 24 to the junction of U.S. Highway 421, thence south on U.S. Highway 421 to the junction of Indiana Highway 39, thence south on Indiana Highway 39 to the junction of Interstate Highway 65, thence south on Interstate Highway 65 to the junction of U.S. Highway 31 at Indianapolis, Indiana, thence south on U.S. Highway 31 to the junction of U.S. Highway Alternate 31, thence south on U.S. Highway Alternate 31 to the junction of U.S. Highway 50, thence west on U.S. Highway 50 to the junction of Indiana Highway 135, thence south on Indiana Highway 135 to its terminus at Mauckport, Indiana, on the one hand, and, on the other, points in Rhode Island; (11-24a) between Vincennes, Indiana; and points in Indiana on, west, and north of a line commencing at the Michigan-Indiana State line on U.S. Highway 31, thence south on U.S. Highway 31 to the junction of Indiana Highway 22, thence west on Indiana Highway 22 to the junction of Indiana Highway 29, thence south on Indiana Highway 29 to the junction of U.S. Highway 421, thence west on U.S. Highway 421 to the junction of Indiana Highway 39, thence south on Indiana Highway 39 to the junction of U.S. Highway 40, thence southwest on U.S. Highway 40 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to the junction of Indiana Highway 67, thence south on Indiana Highway 67 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the junction of U.S. Highway 50, thence west on U.S. Highway 50 to the Indiana-Illinois State line, on the one hand, and, on the other, points in South Carolina on and south of a line commencing at the Georgia-South Carolina State line on U.S. Highway 25, thence north on U.S. Highway 25 to the junction of Interstate Highway 20, thence northeast on Interstate Highway 20 to the junction of U.S. Highway 378, thence east on U.S. Highway 378 to the junction of U.S. Highway 76, thence east on U.S. Highway 76 to the junction of U.S. Highway 301, thence northeast on U.S. Highway 301 to the South Carolina-North Carolina State line.

(11-24b) Between Vincennes, Indiana; and points in Indiana on, west, and north of a line commencing at the Michigan-Indiana State line on Indiana Highway 19, thence south on Indiana Highway 19 to the junction of U.S. Highway 33, thence southeast on U.S. Highway 33 to the junction of Indiana Highway 15, thence south on Indiana Highway 15 to the junction of Indiana Highway 37, thence southwest on Indiana Highway 37 to the junction of U.S. Highway 46, thence east on U.S. Highway 46 to the junction of Indiana Highway 45, thence southwest on Indiana Highway 45 to the junction of Indiana Highway 54, thence west on Indiana Highway 54 to the junction of Indiana Highway 67, thence southwest on Indiana Highway 67 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the junction of U.S. Highway 50, thence west on U.S. Highway 50 to the Indiana-Illinois State line, on the one hand, and, on the other, Charleston and Beaufort, South Carolina; (11-25) between points in Indiana on and south of a line commencing at the Illinois-Indiana State line on the Indiana Highway 28, thence east on Indiana Highway 28 to the junction of Indiana Highway 25, thence northeast on Indiana Highway 25 to the junction of U.S. Highway 24, thence east on U.S. Highway 24 to the junction of Indiana Highway 5, thence south on Indiana Highway 5 to the junction of U.S. Highway 224, thence east on U.S. Highway 224 to the Indiana-Ohio State line, on the one hand, and, on the other, points in South Dakota; (11-26) between points in Indiana on and north of a line commencing at the Indiana-Illinois State line on U.S. Highway 50, thence east on U.S. Highway 50 to the junction of Indiana Highway 39, thence south on Indiana Highway 39 to the junction of Indiana Highway 56, thence east on Indiana Highway 56 to the junction of U.S. Highway 421, thence south on U.S. Highway 421 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Texas.

(11-27) Between points in Indiana on, south, and west of a line commencing at the Illinois-Indiana State line on U.S. Highway 52, thence southeast on U.S. Highway 52 to the junction of Interstate Highway 65, thence southeast on Interstate Highway 65 to the junction of U.S. Highway 31, thence south on U.S. Highway 31 to the junction of Indiana Highway 46, thence west on Indiana Highway 46 to the junction of Interstate Highway 65, thence south on Interstate Highway 65 to the junction of Indiana Highway 58, thence southwest on Indiana Highway 58 to the junction of Indiana Highway 135, thence south on Indiana Highway 135 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Vermont; (11-28) between points in Indiana on and west of a line commencing at the Illinois-Indiana State line on U.S. Highway 52, thence east on U.S. Highway 52 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the junction of U.S. Highway 36,

thence east on U.S. Highway 36 to the junction of Indiana Highway 59, thence south on Indiana Highway 59 to the junction of U.S. Highway 40, thence west on U.S. Highway 40 to the junction of Indiana Highway 63, thence south on Indiana Highway 63 to the junction of Indiana Highway 154, thence west on Indiana Highway 154 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Virginia; (11-29) between points in Indiana, on the one hand, and, on the other, points in Wyoming on, south, and west of a line commencing at the Wyoming-Montana State line on Wyoming Highway 59, thence south on Wyoming Highway 59 to the junction U.S. Highway 16, thence east and southeast on U.S. Highway 16 to the junction of U.S. Highway 85, thence south on U.S. Highway 85 to the junction of U.S. Highway 26, thence southeast on U.S. Highway 26 to the Wyoming-Nebraska State line.

(12-1) Between points in Iowa on and east of a line commencing at the Iowa-Illinois State line on U.S. Highway 61, thence north on U.S. Highway 61 to, and including Dubuque, Iowa, on the one hand, and, on the other, points in Arizona on and south of a line commencing at the Arizona-Nevada State line on U.S. Highway 93, thence south on U.S. Highway 93 to the junction of U.S. Highway 66, thence east on U.S. Highway 66 to the junction of U.S. Highway 180, thence south and east on U.S. Highway 180 to the Arizona-New Mexico State line; (12-2a) between points in Iowa on and east of a line commencing at the Minnesota-Iowa State line on Iowa Highway 76, thence south on Iowa Highway 76 to the junction of U.S. Highway 18, thence west on U.S. Highway 18 to the junction of U.S. Highway 52, thence south on U.S. Highway 52 to the junction of U.S. Highway 20, thence east on U.S. Highway 20 to the Iowa-Illinois State line, on the one hand, and, on the other, points in Arkansas on, south, and east of a line commencing at the Arkansas-Texas State line on Interstate Highway 30 to the junction of U.S. Highway 70, thence east on U.S. Highway 70 to the junction of Arkansas Highway 149, thence north on Arkansas Highway 149 to the junction of Arkansas Highway 42, thence east on Arkansas Highway 42 to the junction of Interstate Highway 55, thence north on Interstate Highway 55 to the junction of U.S. Highway 61, thence north on U.S. Highway 61 to the Arkansas-Missouri State line.

(12-2b) Between points in Iowa on and east of a line commencing at the Iowa-Minnesota State line on U.S. Highway 52, thence south on U.S. Highway 52 to the junction of Iowa Highway 9, thence east on Iowa Highway 9 to the junction of Iowa Highway 51, thence south on Iowa Highway 51 to the junction of U.S. Highway 52, thence south on U.S. Highway 52 to the junction of Iowa Highway 136, thence south and east on Iowa Highway 136 to the junction of U.S. Highway 61, thence south on U.S. Highway 61 to the junction of U.S. Highway 67, thence south on U.S. Highway 67 to the Iowa-Illinois State

line, on the one hand, and, on the other, points in Arkansas on and south of a line commencing at the Arkansas-Tennessee State line on U.S. Highway 79, thence southwest on U.S. Highway 79 to the junction of U.S. Highway 82, thence west on U.S. Highway 82 to the Arkansas-Texas State line.

(12-3a) Between points in Iowa on, north, and east of a line commencing at the Iowa-Nebraska State line on Iowa Highway 175, thence east on Iowa Highway 175 to the junction of Iowa Highway 37, thence east on Iowa Highway 37 to the junction of Iowa Highway 183, thence northeast on Iowa Highway 183 to the junction of Iowa Highway 141, thence southeast on Iowa Highway 141 to the junction of U.S. Highway 71, thence south on U.S. Highway 71 to the junction of Interstate Highway 80, thence east on Interstate Highway 80 to the junction of Iowa Highway 25, thence south on Iowa Highway 25 to the junction of U.S. Highway 34, thence east on U.S. Highway 34 to the junction of U.S. Highway 169, thence south on U.S. Highway 169 to the junction of Iowa Highway 2, thence west on Iowa Highway 2 to Mt. Ayr, Iowa, thence east on Iowa Highway 2 to the junction of Iowa Highway 5, thence south and southwest on Iowa Highway 5 to the Iowa-Missouri State line, on the one hand, and, on the other, points in Louisiana on and east of a line commencing at the Louisiana-Mississippi State line on Louisiana Highway 10, thence west on Louisiana Highway 10 to the junction of Louisiana Highway 21, thence south on Louisiana Highway 21 to the junction of Louisiana Highway 41, thence south on Louisiana Highway 41 to the junction of U.S. Highway 11, thence southwest on U.S. Highway 11 to the junction of U.S. Highway 90, thence southwest on U.S. Highway 90 to the junction of U.S. Business Route 90, thence east and south on U.S. Business Route 90 to the junction of Louisiana Highway 23, thence southeast on Louisiana Highway 23 to its terminus at Venice, Louisiana.

(12-3b) Between points in Iowa on, north, and east of a line commencing at the Iowa-Illinois State line on U.S. Highway 67, thence north on U.S. Highway 67 to the junction of U.S. Highway 61, thence north on U.S. Highway 61 to the junction of Iowa Highway 136, thence west and north on Iowa Highway 136 to the junction of U.S. Highway 52, thence northwest on U.S. Highway 52 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Louisiana; (12-4a) between points in Iowa on, north, and east of a line commencing at the Iowa-Nebraska State line on U.S. Highway 34, thence east on U.S. Highway 34 to the junction of U.S. Highway 71, thence south on U.S. Highway 71 to the Iowa-Missouri State line, on the one hand, and, on the other, points in Mississippi on and south of a line commencing at Gulfport, Mississippi, thence east on U.S. Highway 90 to the Mississippi-Alabama State line; (12-4b) between points in Iowa on and east of a line commencing at the Muscatine, Iowa, thence

west on Iowa Highway 22 to the junction of Iowa Highway 70, thence northwest on Iowa Highway 70 to the junction of U.S. Highway 6, thence northwest on U.S. Highway 6 to the junction of U.S. Highway 218, thence north on U.S. Highway 218 to the junction of Iowa Highway 105, thence west on Iowa Highway 105 to the junction of U.S. Highway 65, thence north on U.S. Highway 65 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Mississippi; (12-5a) between points in Iowa on and east of a line commencing at the Iowa-Illinois State line on U.S. Highway 61, thence south and west on U.S. Highway 61 to the junction of U.S. Highway 218, thence southeast on U.S. Highway 218 to the Iowa-Illinois State line, on the one hand, and, on the other, Searchlight, Nevada.

(12-5b) Between Davenport, Iowa, on the one hand, and, on the other, points in Nevada on, south, and east of a line commencing at the Nevada-California State line on Interstate Highway 15, thence northeast on Interstate Highway 15 to the Nevada-Arizona State line; and the point of Empire, Nevada; (12-6a) between Davenport, Iowa, on the one hand, and, on the other, (A) Gallup, New Mexico; and (B) points in New Mexico on, south, and west of a line commencing at the New Mexico-Arizona State line on Interstate Highway 10, thence east on Interstate Highway 10 to the junction of U.S. Highway 70, thence east on U.S. Highway 70 to the junction of New Mexico Highway 28, thence south on New Mexico Highway 28 to the terminus of New Mexico Highway 28 at the New Mexico-Texas State line; and (C) points in New Mexico on, south, and east of a line commencing at the New Mexico-Texas State line on U.S. Highway 180, thence northeast on U.S. Highway 180 to the junction of U.S. Highway 285, thence north on U.S. Highway 285 to the junction of U.S. Highway 380, thence east on U.S. Highway 380 to the New Mexico-Texas State line; (12-6b) between points in Iowa on and east of a line commencing at the Iowa-Illinois State line at Dubuque, Iowa, thence south on U.S. Highway 61 to Davenport, Iowa, on the one hand, and, on the other, points in New Mexico on and west of a line commencing at the New Mexico-Arizona State line on U.S. Highway 70, thence southeast on U.S. Highway 70 to the junction of Interstate Highway 10, thence southwest on Interstate Highway 10 to the junction of New Mexico Highway 338, thence south on New Mexico Highway 338 to the junction of New Mexico Highway 9, thence west on New Mexico Highway 9 to the New Mexico-Arizona State line; and points in New Mexico on, south, and east of a line commencing at the New Mexico-Texas State line on U.S. Highway 180, thence southeast on U.S. Highway 180 to the New Mexico-Texas State line.

(12-7a) Between points in Iowa on, west, and south of a line commencing at the Iowa-Minnesota State line on U.S. Highway 63, thence south on U.S. High-

way 63 to the junction of U.S. Highway 218, thence south on U.S. Highway 218 to the junction of U.S. Highway 6, thence east on U.S. Highway 6 to the Iowa-Illinois State line, on the one hand, and, on the other, points in New York; (12-7b) between points in Iowa on, west, and south of a line commencing at the Iowa-Illinois State line on U.S. Highway 61, thence south on U.S. Highway 61 to the junction of Iowa Highway 136, thence east on Iowa Highway 136 to the junction of U.S. Highway 67, thence south on U.S. Highway 67 to the junction of U.S. Highway 30, thence east on U.S. Highway 30 to the Iowa-Illinois State line, on the one hand, and, on the other, points in New York, on and east of a line commencing at Rochester, New York, thence south on New York Highway 15-A to the junction of U.S. Highway 15, thence south on U.S. Highway 15 to the junction of New York Highway 21, thence south on New York Highway 21 to the junction of New York Highway 36, thence south on New York Highway 36 to the New York-Pennsylvania State line.

(12-8) Between points in Iowa on and east of a line commencing at Dubuque, Iowa, thence south on U.S. Highway 61 to Davenport, Iowa; and the point of Lansing, Iowa, on the one hand, and, on the other, Tom, Oklahoma; (12-9a) between points in Iowa on, south, and west of a line commencing at the Iowa-Minnesota State line on U.S. Highway 69, thence south on U.S. Highway 69 to the junction of U.S. Highway 18, thence east on U.S. Highway 18 to the junction of U.S. Highway 65, thence south on U.S. Highway 65 to the junction of U.S. Highway 30, thence east on U.S. Highway 30 to the junction of Iowa Highway 330, thence northeast on Iowa Highway 330 to the junction of Iowa Highway 14, thence south on Iowa Highway 14 to the junction of U.S. Highway 30, thence east on U.S. Highway 30 to the junction of Iowa Highway 146, thence south on Iowa Highway 146 to the junction of Interstate Highway 80, thence east on Interstate Highway 80 to the junction of Iowa Highway 21, thence south on Iowa Highway 21 to the junction of Iowa Highway 22, thence east on Iowa Highway 22 to Muscatine, Iowa, on the one hand, and, on the other, points in Pennsylvania; (12-9b) between points in Iowa, on the one hand, and, on the other, points in Pennsylvania on, south, and east of a line commencing at the New York-Pennsylvania State line on U.S. Highway 15, thence south on U.S. Highway 15 to the junction of U.S. Highway 220, thence southwest on U.S. Highway 220 to the junction of U.S. Highway 22, thence west on U.S. Highway 22 to the Pennsylvania-West Virginia State line.

(12-10a) Between points in Iowa on and east of a line commencing at Dubuque, Iowa, thence south on U.S. Highway 61 to Davenport, Iowa; and the point of Lansing, Iowa, on the one hand, and, on the other, points in Texas on and south of a line commencing at the Arkansas-Texas State line on U.S. Highway 59, thence south on U.S. Highway 59 to the junction of Texas Highway 94, thence southwest on Texas Highway 94 to the

junction of Texas Highway 19, thence southwest on Texas Highway 19 to the junction of U.S. Highway 75, thence south on U.S. Highway 75 to the junction of U.S. Highway 90, thence west on U.S. Highway 90 to the junction of Texas Highway 349, thence north on Texas Highway 349 to the junction of U.S. Highway 67, thence west on U.S. Highway 67 to the junction of U.S. Highway 385, thence north on U.S. Highway 385 to the junction of Texas Highway 302, thence west on Texas Highway 302 to the junction of Texas Highway 115, thence south on Texas Highway 115 to the junction of U.S. Highway 80, thence west on U.S. Highway 80 to the junction of Texas Highway 17, thence south on Texas Highway 17 to the junction of U.S. Highway 67, thence south on U.S. Highway 67 to Presidio, Texas; (12-10b) between Davenport and Clinton, Iowa, on the one hand, and, on the other, points in Texas on and south of a line commencing at the Arkansas-Texas State line on U.S. Highway 67, thence west on U.S. Highway 67 to the junction of U.S. Highway 271, thence south on U.S. Highway 271 to the junction of U.S. Highway 80, thence west on U.S. Highway 80 to the junction of U.S. Highway 84, thence northwest on U.S. Highway 84 to the junction of Texas Highway 116, thence west on Texas Highway 116 to the junction of Texas Highway 125, thence west on Texas Highway 125 to the New Mexico-Texas State line.

(13-1) Between points in Kentucky on and northeast of a line commencing at Owensboro, Kentucky, thence southeast on Kentucky Highway 54 to the junction of Kentucky Highway 259 thence south on Kentucky Highway 259 to the junction of Western Kentucky Parkway, thence east on Western Kentucky Parkway to the junction of Kentucky Highway 61, thence south on Kentucky Highway 61 to the junction of Kentucky Highway 210, thence south on Kentucky Highway 210 to the junction of Kentucky Highway 55, thence south on Kentucky Highway 55 to the junction of Kentucky Highway 80, thence east on Kentucky Highway 80 to the junction of U.S. Highway 27, thence south on U.S. Highway 27 to the junction of Kentucky Highway 90, thence east on Kentucky Highway 90 to the junction of U.S. Highway 25-W, thence south on U.S. Highway 25-W to the Kentucky-Tennessee State line, on the one hand, and, on the other, Sulphur Springs, Arkansas; (13-2a) between points in Kentucky, on the one hand, and, on the other, points in Colorado on, north, and west of a line commencing at the Colorado-Utah State line on U.S. Highway 666, thence east on U.S. Highway 666 to the junction of Colorado Highway 141, thence northeast on Colorado Highway 141 to the junction of Colorado Highway 145, thence southeast on Colorado Highway 145 to the junction of Colorado Highway 62, thence northeast on Colorado Highway 62 to the junction of U.S. Highway 550, thence north on U.S. Highway 550 to the junction of U.S. Highway 50, thence east on U.S. Highway 50 to the junction of Colo-

rado Highway 291, thence northwest on Colorado Highway 291 to the junction of U.S. Highway 285, thence north on U.S. Highway 285 to the junction of U.S. Highway 24, thence northwest on U.S. Highway 24 to the junction of Colorado Highway 91, thence northeast on Colorado Highway 91 to the junction of U.S. Highway 6, thence east on U.S. Highway 6 to the junction of U.S. Highway 87, thence north on U.S. Highway 87 to the Colorado-Wyoming State line.

(13-2b) Between points in Kentucky on and east of a line commencing at the Kentucky-Illinois State line on Kentucky Highway 56, thence east on Kentucky Highway 56 to the junction of Kentucky Highway 109, thence southeast on Kentucky Highway 109, thence southeast on Kentucky Highway 109 to the junction of U.S. Highway 60, thence southwest on U.S. Highway 60 to the junction of U.S. Highway 641, thence south on U.S. Highway 641 to the junction of Kentucky Highway 91, thence southeast on Kentucky Highway 91 to the junction of U.S. Highway 41A, thence south on U.S. Highway 41A to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Colorado; (13-3) between points in Kentucky on and east of a line commencing at the Kentucky-Tennessee State line on U.S. Highway 31W, thence north on U.S. Highway 31W to the junction of Kentucky Highway 67, thence north on Kentucky Highway 67 to the junction of Kentucky Highway 185, thence north on Kentucky Highway 185 to the junction of Kentucky Highway 79, thence north on Kentucky Highway 79 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Connecticut; (13-4) between points in Kentucky on, north and west of a line commencing at Hawesville, Kentucky (Indiana-Kentucky State line) on U.S. Highway 60, thence west on U.S. Highway 60 to the junction U.S. Highway 431, thence south on U.S. Highway 431 to the junction of U.S. Highway 62, thence south on U.S. Highway 62 to the junction of Kentucky Highway 171, thence south on Kentucky Highway 171 to the junction of Kentucky Highway 107, thence west and south on Kentucky Highway 107 to the junction of U.S. Highway 41A, thence south on U.S. Highway 41A to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Delaware.

(13-5) Between points in Kentucky on and west of a line commencing at Owensboro, Kentucky, thence south on U.S. Highway 431 to the junction of Kentucky Highway 171, at Central City, Kentucky, thence south on Kentucky Highway 171 to the junction of Kentucky Highway 107, thence southwest on Kentucky Highway 107 to the junction of U.S. Highway Alternate 41, thence south on U.S. Highway Alternate 41 to the Kentucky-Tennessee State line, on the one hand, and, on the other, Washington, D.C.; (13-6) between points in Kentucky on and east of U.S. Highway 41, on the one hand, and, on the other, points in Kansas on, north, and east of a line commencing at the Oklahoma-Kan-

sas State line on U.S. Highway 54, thence northeast on U.S. Highway 54 to the junction of U.S. Highway 283, thence north on U.S. Highway 283 to the junction of U.S. Highway 50, thence east on U.S. Highway 50 to the junction of Kansas Highway 61, thence northeast on Kansas Highway 61 to the junction of U.S. Highway 81, (at or near McPherson, Kansas), thence north on U.S. Highway 81 to the junction of U.S. Highway 40, thence east on U.S. Highway 40 to the junction of Kansas Highway 4 (at Topeka, Kansas), thence northeast on Kansas Highway 4 to the junction of U.S. Highway 59, thence northeast on U.S. Highway 59 to the terminus at Atchison, Kansas; (13-7) between points in Kentucky on and north of a line commencing at Louisville, Kentucky, thence east on Interstate Highway 64 to the junction of U.S. Highway 127, thence north on U.S. Highway 127 to the junction of U.S. Highway 460, thence east on U.S. Highway 460 to the junction of Interstate Highway 64, thence east on Interstate Highway 64 to the Kentucky-West Virginia State line, on the one hand, and, on the other, Lake Charles, Louisiana.

(13-8a) Between points in Kentucky on and west of a line commencing at Louisville, Kentucky, thence south on Interstate Highway 65 to the junction of Kentucky Highway 61, thence south on Kentucky Highway 61 to the junction of U.S. Highway 31E, thence south on U.S. Highway 31E to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Maine; (13-8b) between points in Kentucky on and west of a line commencing at the junction of U.S. Highway 42, and U.S. Highway 127, on the Ohio River, (approximately five (5) miles east of Warsaw, Kentucky), thence south on U.S. Highway 127 to the junction of U.S. Highway 150, thence south on U.S. Highway 150 to the junction of U.S. Highway 27, thence south on U.S. Highway 27 to the junction of Kentucky Highway 90, thence southwest on Kentucky Highway 90 to the junction of U.S. Highway 127, thence south on U.S. Highway 127 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Maine on and north of a line commencing at Port Kent, Maine, thence southeast on Maine Highway 161 to the junction of Maine Highway 89, thence east on Maine Highway 229, thence east on Maine Highway 229 to the United States-Canadian border.

(13-9a) Between points in Kentucky on and west of a line commencing at the Indiana-Kentucky State line on U.S. Highway 431, thence south on U.S. Highway 431 to the junction of U.S. Highway 62, thence south on U.S. Highway 62 to the junction of Kentucky Highway 171, thence southwest on Kentucky Highway 171 to the junction of Kentucky Highway 107, thence southwest on Kentucky Highway 107 to the junction of U.S. Highway 41A, thence south on U.S. Highway 41A to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Maryland bounded on the north by

the Pennsylvania-Maryland State line; and bounded on the west by a line commencing at the Maryland-Pennsylvania State line, thence south on U.S. Highway 220 to the Maryland-West Virginia State line; and bounded on the southwest by a line commencing at the junction of U.S. Highway 220 and the Maryland-West Virginia State line, thence along Maryland-West Virginia State line, the Maryland-Virginia State line, and the District of Columbia boundary to the junction of U.S. Highway 50, thence east along U.S. Highway 50 to the junction of Maryland Highway 450, thence east on Maryland Highway 450 to the junction of Maryland Highway 2, thence northeast on Maryland Highway 2 to the junction of U.S. Highway 50, thence east on U.S. Highway 50 to the Chesapeake Bay; and bounded on the west by the Chesapeake Bay; and bounded on the south by the Maryland-Virginia State line; and bounded on the east by the Atlantic Ocean and the Maryland-Delaware State line; (13-9b) between points in Kentucky on and west of a line commencing at the Indiana-Kentucky State line on U.S. Highway 41, thence south on U.S. Highway 41 to the junction of U.S. Highway 41A, thence south on U.S. Highway 41A to the junction of Kentucky Highway 120, thence southwest on Kentucky Highway 120 to the junction of Kentucky Highway 293, thence south on Kentucky Highway 293 to the junction of Kentucky Highway 139, thence south on Kentucky Highway 139 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Maryland.

(13-10a) Between points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line, thence south on Kentucky Highway 79 to the junction of Kentucky Highway 259, thence south on Kentucky Highway 259 to the junction of Kentucky Highway 101, thence south on Kentucky Highway 101, to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Massachusetts; (13-10b) between points in Kentucky on and west of a line commencing at Kosmosdale, Kentucky, thence south on U.S. Highway 31W to the junction of Kentucky Highway 90, thence south on Kentucky Highway 90 to the junction of U.S. Highway 31E, thence south on U.S. Highway 31E to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Massachusetts on and east of a line commencing at the New Hampshire-Massachusetts State line on Maine Highway 38, thence south on Maine Highway 38 to the junction of U.S. Highway 3, thence south on U.S. Highway 3 to the junction of Maine Highway 128, thence south on Maine Highway 128 to the junction of Maine Highway 24, thence south on Maine Highway 24 to the Massachusetts-Rhode Island State line.

(13-11) Between Ashland, Kentucky; and points in Kentucky on and north of a line commencing at the Indiana-Kentucky State line on U.S. Highway 421, thence south on U.S. Highway 421 to the junction of U.S. Highway 42, thence northeast on U.S. Highway 42 to the

junction of Kentucky Highway 227, thence southeast on Kentucky Highway 227 to the junction of Kentucky Highway 22, thence northeast and east on Kentucky Highway 22 to the junction of Kentucky Highway 10, thence east on Kentucky Highway 10 to the junction of U.S. Highway 68, thence north on U.S. Highway 68 to the Kentucky-Ohio State line, on the one hand, and, on the other, points in Mississippi on and west of a line commencing at the Louisiana-Mississippi State line on U.S. Highway 84, thence east on U.S. Highway 84 to the junction of U.S. Highway 61, thence south on U.S. Highway 61 to the Mississippi-Louisiana State line; (13-12) between points in Kentucky on and east of a line commencing at the Tennessee-Kentucky State line on Kentucky Highway 139, thence north on Kentucky Highway 139 to the junction of Kentucky Highway 91, thence northwest on Kentucky Highway 91 to the junction of U.S. Highway 60, thence northeast on U.S. Highway 60 to the junction of U.S. Highway 41, thence north on U.S. Highway 41 to the Kentucky-Indiana State line, on the one hand, and, on the other, points in Nebraska; (13-13a) between Louisville, Kentucky; and points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line, thence south on U.S. Highway 31W to the junction of Kentucky Highway 61, thence south on Kentucky Highway 61 to the junction of U.S. Highway 31E, thence south on U.S. Highway 31E to the junction of Kentucky Highway 90, thence southeast on Kentucky Highway 90 to the junction of Kentucky Highway 163, thence south on Kentucky Highway 163 to the terminus at the Kentucky-Tennessee State line, on the one hand, and, on the other, points in New Hampshire.

(13-13b) Between points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line on U.S. Highway 421, thence south on U.S. Highway 421 to the junction of Kentucky Highway 55, thence south on Kentucky Highway 55 to the junction of Kentucky Highway 80, thence east on Kentucky Highway 80 to the junction of U.S. Highway 127, thence south on U.S. Highway 127 to the Kentucky-Tennessee State line, on the one hand, and, on the other, Pittsburgh, New Hampshire; (13-14) between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee State line on U.S. Highway 31W, thence northwest on U.S. Highway 31W to the junction of U.S. Highway 231, thence northwest on U.S. Highway 231 to the junction of Kentucky Highway 69, thence north on Kentucky Highway 69 to the junction of U.S. Highway 60, thence west on U.S. Highway 60 to the terminus at Hawesville, Kentucky, on the one hand, and, on the other, points in New Jersey; (13-15) between points in Kentucky on and east of a line commencing at the Kentucky-Indiana State line on U.S. Highway 41, thence south on U.S. Highway 41 to the junction of U.S. Highway 62, thence east on U.S. Highway 62 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to the

junction of U.S. Highway 68, thence east on U.S. Highway 68 to the junction of Kentucky Highway 90, thence east on Kentucky Highway 90 to the junction of U.S. Highway 127, thence south on U.S. Highway 127 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in New Mexico.

(13-16a) Between points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line on U.S. Highway 431, thence south on U.S. Highway 431 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in New York; (13-16b) between points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line on Kentucky Highway 69, thence south on Kentucky Highway 69 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to the junction of U.S. Highway 31W, thence south on U.S. Highway 31W to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in New York on and east of a line commencing at Rochester, New York, thence south on New York Highway 15A to the junction of U.S. Highway 15, thence south on U.S. Highway 15 to the junction of New York Highway 21, thence south on New York Highway 21 to the junction of New York Highway 36, thence south on New York Highway 36 to the New York-Pennsylvania State line; (13-17) between points in Kentucky on and north of a line commencing at Paducah, Kentucky, thence west on U.S. Highway 60 to the Illinois-Kentucky State line on the one hand, and, on the other, Elizabeth City, North Carolina.

(13-18a) Between points in Kentucky on and east of a line commencing at the Indiana-Kentucky State line on U.S. Highway 41, thence south on U.S. Highway 41 to the junction of U.S. Highway 60 (at Henderson, Kentucky), thence east on U.S. Highway 60 to the junction of Kentucky Highway 86, thence east on Kentucky Highway 86 to the junction of U.S. Highway 62, thence northeast on U.S. Highway 62 to the junction of Kentucky Highway 61, thence southeast on Kentucky Highway 61 to the junction of U.S. Highway 31E, thence east on U.S. Highway 31E to the junction of Kentucky Highway 84, thence east on Kentucky Highway 84 to the junction of U.S. Highway 68, thence east on U.S. Highway 68 to the junction of U.S. Highway 150, thence southeast on U.S. Highway 150 to the junction of U.S. Highway 25, thence south on U.S. Highway 25 to the junction of U.S. Highway 25E, thence southeast and south on U.S. Highway 25E to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Oklahoma on and west of a line commencing at the Texas-Oklahoma State line on U.S. Highway 77, thence north on U.S. Highway 77 to the junction of U.S. Highway 70, thence east on U.S. Highway 70 to the junction of U.S. Highway 177, thence north on U.S. Highway 177 to the junction of Oklahoma Highway 7, thence east on Oklahoma Highway 7 to the junction of Oklahoma Highway 1, thence northeast and east on Oklahoma Highway 1 to the junction of U.S. Highway 69,

thence north on U.S. Highway 69 to the junction of U.S. Highway 64, thence east on U.S. Highway 64 to Muskogee, Oklahoma, thence return west on U.S. Highway 64 to the junction of U.S. Highway 69, thence north on U.S. Highway 69 to the junction of Interstate Highway 44, thence northeast on Interstate Highway 44 to the Oklahoma-Missouri State line.

(13-18b) Between points in Kentucky on, east, and north of a line commencing at the Tennessee-Kentucky State line on U.S. Highway 127, thence north on U.S. Highway 127 to the junction of Kentucky Highway 90, thence west on Kentucky Highway 90 to the junction of U.S. Highway 68, thence west on U.S. Highway 68 to the junction of U.S. Highway 231, thence northwest on U.S. Highway 231 to the junction of Kentucky Highway 136, thence west on Kentucky Highway 136 to the junction of Kentucky Highway 81, thence south on Kentucky Highway 81 to the junction of Kentucky Highway 138, thence west on Kentucky Highway 138 to the junction of Kentucky Highway 370, thence northwest on Kentucky Highway 370 to the junction of U.S. Highway 41, thence north on U.S. Highway 41 to the Kentucky-Indiana State line, on the one hand, and, on the other, Tonkawa, Oklahoma; and points in Oklahoma, on and west of a line commencing at the Texas-Oklahoma State line on U.S. Highway 281, thence north on U.S. Highway 281 to the junction of the H. E. Bailey Turnpike, thence northeast on the H. E. Bailey Turnpike to the junction of U.S. Highway 62 (two miles north of New Castle, Oklahoma), thence north on U.S. Highway 62 to the junction of Interstate Highway 35, thence north on Interstate Highway 35 to the Oklahoma-Kansas State line; (13-18c) between Providence, Kentucky; and points in Kentucky on and east of a line commencing at the Tennessee-Kentucky State line on U.S. Highway 41, thence northwest and north on U.S. Highway 41 to the junction of U.S. Highway Alternate 41, thence west and north on U.S. Highway Alternate 41 to the junction of Kentucky Highway 56, thence west on Kentucky Highway 56 to the Kentucky-Illinois State line, on the one hand, and, on the other, points in Oklahoma on, south and west of a line commencing at the Texas-Oklahoma State line on Oklahoma Highway 23, thence north on Oklahoma Highway 23 to the junction of Oklahoma Highway 3, thence west on Oklahoma Highway 3 to the junction of U.S. Highway 83, thence north on U.S. Highway 83 to the Oklahoma-Kansas State line.

(13-19a) Between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee State line on U.S. Highway 41, thence north on U.S. Highway 41 to the junction of Kentucky Highway 85, thence northeast on Kentucky Highway 85 to the junction of U.S. Highway 431, thence north on U.S. Highway 431 to Owensboro, Kentucky, on the one hand, and, on the other, points in Pennsylvania; (13-19b) between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee

State line on U.S. Highway 31W, thence northeast on U.S. Highway 31W to the junction of U.S. Highway 231, thence northwest on U.S. Highway 231 to the junction of Kentucky Highway 69, thence north on Kentucky Highway 69 to the junction of U.S. Highway 60, thence west on U.S. Highway 60 to the terminus at Hawesville, Kentucky, on the one hand, and, on the other, points in Pennsylvania, on, north and east of a line commencing at Philadelphia, Pennsylvania, thence northwest on U.S. Highway 422 to the junction of the Pennsylvania Turnpike, thence east on the Pennsylvania Turnpike to the junction of the Pennsylvania Turnpike Northeast Extension, thence north on the Pennsylvania Turnpike Northeast Extension to the junction of U.S. Highway 11, thence north on U.S. Highway 11 to the junction of U.S. Highway 6, thence northwest on U.S. Highway 6 to the junction of U.S. Highway 220, thence north on U.S. Highway 220 to the New York-Pennsylvania State line.

(13-20) Between points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line, on Kentucky Highway 79, thence south on Kentucky Highway 79 to the junction of Kentucky Highway 259, thence south on Kentucky Highway 259 to the junction of U.S. Highway 31W, thence east on U.S. Highway 31W to the junction of Kentucky Highway 90, thence south on Kentucky Highway 90 to the junction of U.S. Highway 31E, thence south on U.S. Highway 31E to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Rhode Island; (13-21a) between points in Kentucky on and east of a line commencing at the Indiana-Kentucky State line on U.S. Highway 41, thence south on U.S. Highway 41 to the junction of Kentucky Highway 80, thence east on Kentucky Highway 80 to the junction of U.S. Highway 431, thence south on U.S. Highway 431 to the Kentucky-Tennessee State line, on the one hand, and, on the other, El Paso, Texas; and points in Texas on and west of a line commencing at the Texas-New Mexico State line on U.S. Highway 87, thence south on U.S. Highway 87 to the junction of U.S. Highway 60, thence southwest on U.S. Highway 60 to the junction of Texas Highway 214, thence south on Texas Highway 214 to the junction of Texas Highway 125, thence west on Texas Highway 125, thence west on Texas Highway 125 to the Texas-New Mexico State line.

(13-21b) Between Lexington and South Williamson, Kentucky; and points in Kentucky on and north of a line commencing at Louisville, Kentucky, thence east on Interstate 64 to the junction of the Mountain Parkway, thence east on the Mountain Parkway to the junction of Kentucky Highway 30, thence north on Kentucky Highway 30 to the junction of U.S. Highway 460, thence east on U.S. Highway 460 to the junction of Kentucky Highway 40, thence east on Kentucky Highway 40 to the Kentucky-West Virginia State line, on the one hand, and, on the other, points in Texas on and west of a line commencing at Port Arthur, Texas, thence north on U.S. High-

way 96 to the junction of Interstate Highway 10, thence west on Interstate Highway 10 to the junction of Interstate Highway 45, thence north on Interstate Highway 45 to the junction of Interstate Highway 30, thence east on Interstate Highway 30 to the junction of Texas Highway 34, thence north on Texas Highway 34 to the junction of Texas Highway 24, thence north on Texas Highway 24 to the junction of U.S. Highway 271, thence north on U.S. Highway 271 to the Texas-Oklahoma State line; (13-22a) between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee State line on U.S. Highway 31E, thence northeast on U.S. Highway 31E to the junction of Kentucky Highway 90, thence northwest on Kentucky Highway 90 to the junction of U.S. Highway 31W, thence north on U.S. Highway 31W to the junction of U.S. Highway 62, thence west on U.S. Highway 62 to the junction of Kentucky Highway 86, thence northwest on Kentucky Highway 86 to the junction of U.S. Highway 60, thence west on U.S. Highway 60 to Cloverport, Kentucky, on the one hand, and, on the other, points in Vermont.

(13-22b) Between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee State line on U.S. Highway 127, thence north on U.S. Highway 127 to the junction of Kentucky Highway 90, thence west on Kentucky Highway 90 to the junction of Kentucky Highway 61, thence north on Kentucky Highway 61 to the junction of Kentucky Highway 70, thence northeast on Kentucky Highway 70 to the junction of Kentucky Highway 55, thence north on Kentucky Highway 55 to the junction of Kentucky Highway 84, thence west on Kentucky Highway 84 to the junction of U.S. Highway 31E, thence north on U.S. Highway 31E to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Vermont on, north, and east of a line commencing at the New Hampshire-Vermont State line on U.S. Highway 2, thence west on U.S. Highway 2 to the junction of U.S. Highway 5, thence north on U.S. Highway 5 to the junction of Vermont Highway 114, thence north on Vermont Highway 114 to Norton, Vermont; (13-23a) between points in Kentucky on and north of a line commencing at Paducah, Kentucky, thence west on U.S. Highway 60 to the Kentucky-Illinois State line, on the one hand, and, on the other, Norfolk, Virginia; and points in Virginia on and northeast of a line commencing at Virginia Beach, thence northwest on U.S. Highway 60 to the junction of U.S. Highway 1, thence north on U.S. Highway 1 to the junction of U.S. Highway 250, thence northwest on U.S. Highway 250 to the junction of U.S. Highway 33, thence northwest on U.S. Highway 33 to the Virginia-West Virginia State line.

(13-23b) Between points in Kentucky on and west of a line commencing at Owensboro, Kentucky, thence south on Kentucky Highway 81, to the junction of Kentucky Highway 85, thence south on Kentucky Highway 85 to the junction of

U.S. Highway 41, thence south on U.S. Highway 41 to the junction of U.S. Highway 41A, thence south on U.S. Highway 41A to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Virginia on and north of a line commencing at Arlington, Virginia, thence west on U.S. Highway 50 to the Virginia-West Virginia State line; (14-1) between points in Michigan on, east, and south of a line commencing at Lake Superior on Michigan Highway 203, thence south on Michigan Highway 203 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the junction of U.S. Highway 141, thence south on U.S. Highway 141 to the junction of U.S. Highway 2, thence west on U.S. Highway 2 to the junction of U.S. Highway 45, thence south on U.S. Highway 45 to the Michigan-Wisconsin State line, on the one hand, and, on the other, points in Arizona; (14-2) between points in the lower peninsula of Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at the junction of Interstate Highway 75, with Michigan Highway 123, thence north on Michigan Highway 123 to its terminus approximately one mile north of Whitefish Point, Michigan, on the one hand, and, on the other, points in Colorado; (14-3a) between points in upper peninsula of Michigan on and west of a line commencing at L'Anse, Michigan on or near Keweenaw Bay, thence south on U.S. Highway 41 to the junction of U.S. Highway 141, thence south on U.S. Highway 141 to the junction of Michigan Highway 69, thence east on Michigan Highway 69 to the junction of Michigan Highway 95, thence south on Michigan Highway 95 to the junction of U.S. Highway 2, thence east on U.S. Highway 2 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the Michigan-Wisconsin State line, on the one hand, and, on the other, points in Connecticut;

(14-3b) Between points in upper peninsula of Michigan on and west of a line commencing at Marquette, Michigan, thence south on U.S. Highway 41 to the terminus of Escanaba, Michigan, on the one hand, and, on the other, points in Connecticut on and southeast of a line commencing at New Haven, Connecticut, thence east on Interstate Highway to the junction of Connecticut Highway 12, thence north on Connecticut Highway 12 to the Connecticut-Massachusetts State line; (14-4) between points in the upper peninsula of Michigan on, south and west of a line commencing at Escanaba, Michigan, thence west on U.S. Highway 2 to the junction of Michigan Highway 95, thence north on Michigan Highway 95 to the junction of U.S. Highway 41, thence west and north on U.S. Highway 41 to the terminus of L'Anse, Michigan, on the one hand, and, on the other, points in Delaware; (14-5) between points in the upper peninsula of Michigan on and west of a line commencing at, and including L'Anse, Michigan, thence south and east of U.S. Highway 41 to the junction of Michigan Highway 35, thence south on Michigan Highway 35 to the terminus at Escanaba, Michigan, on the one hand,

and, on the other, points in the District of Columbia; (14-6) between points in Michigan on, north and west of a line commencing at the Michigan-Ohio State line on Michigan Highway 52, thence north on Michigan Highway 52 to the junction of U.S. Highway 12, thence northeast on U.S. Highway 12 to the terminus at Detroit, Michigan, on the one hand, and, on the other, points in Georgia on, south, and west of a line commencing at the Georgia-Alabama State line on U.S. Highway 280, thence southeast on U.S. Highway 280 to the junction of U.S. Highway 341, thence southeast on U.S. Highway 341 to the terminus at Brunswick, Georgia.

(14-7) Between points in Michigan on and south of a line commencing at Manistee, Michigan on U.S. Highway 31, thence north on U.S. Highway 31 to the junction of Michigan Highway 55, thence east on Michigan Highway 55 to the junction of Michigan Highway 66, thence south on Michigan Highway 66 to the junction of Michigan Highway 61, thence east on Michigan Highway 61 to the junction of U.S. Highway 23, thence northeast on U.S. Highway 23 to the junction of Michigan Highway 65, thence north on Michigan Highway 65 to the junction of Michigan Highway 55, thence east on Michigan Highway 55 to the terminus at Tawas City, Michigan, on the one hand, and, on the other, points in Idaho; (14-8) between points in the lower peninsula of Michigan; and points in the upper peninsula on and east of Interstate Highway 75, on the one hand, and, on the other, points in Kansas; (14-9) between points in the upper peninsula of Michigan on, south, and west of a line commencing at L'Anse, Michigan, thence south and east on U.S. Highway 41, to the junction of Michigan Highway 35, thence south and east on Michigan Highway 35 to the junction of U.S. Highway 41, thence south on U.S. Highway 41 to the terminus of Escanaba, Michigan, on the one hand, and, on the other, points in Maine; (14-10) between points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin State line on U.S. Highway 41, thence north on U.S. Highway 41 to the junction of U.S. Highway 2, thence west on U.S. Highway 2 to the junction of Michigan Highway 95, thence north on Michigan Highway 95 to the junction of Michigan Highway 69, thence west on Michigan Highway 69 to the junction of Michigan Highway 141, thence north on Michigan Highway 141 to the junction of U.S. Highway 41, thence north on U.S. Highway 41 to the terminus of L'Anse, Michigan, on the one hand, and, on the other, points in Maryland.

(14-11) Between points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin State line on U.S. Highway 41, thence north on U.S. Highway 41 to the junction of U.S. Highway 2, thence west on U.S. Highway 2 to the junction of Michigan Highway 95, thence north on Michigan Highway 95 to the junction of U.S. Highway 41, thence north on U.S.

Highway 41 to L'Anse, Michigan, on the one hand, and, on the other, points in Massachusetts; (14-12) between points in Michigan, bounded on the west by Lake Michigan, and bounded on the north by a line commencing at Ludington, Michigan, thence south on U.S. Highway 31 to the junction of Interstate Highway 96, thence east on Interstate Highway 96 to the junction of Michigan Highway 21, thence east on Michigan Highway 21 to its terminus at Port Huron, Michigan; and bounded on the east by Lake Huron, St. Clair River, Lake St. Clair, Detroit River, and Lake Erie; and bounded on the south by the Ohio-Indiana State line and a line commencing at the Michigan-Indiana State line on U.S. Highway 31, thence north on U.S. Highway 31 to the junction of Michigan Highway 140, thence north on Michigan Highway 140 to the junction of Interstate Highway 94, thence west on Interstate Highway 94 to the junction of Interstate Highway 94BL, thence west on Interstate Highway 94BL to the terminus of St. Joseph, Michigan, on the one hand, and, on the other, points in Montana on and west of a line commencing at the Montana-Wyoming State line on U.S. Highway 212, thence northwest on U.S. Highway 212 to the junction of Montana Highway 22, thence north on Montana Highway 22 to the junction of Montana Highway 200, thence east on Montana Highway 200 to the junction of Montana Highway 13, thence north on Montana Highway 13 to the United States-Canadian border.

(14-13) Between points in the lower peninsula of Michigan, on the one hand, and, on the other, points in Nebraska on and south of a line commencing at the Wyoming-Nebraska State line on U.S. Highway 26, thence east on U.S. Highway 26 to the junction of U.S. Highway 30, thence east on U.S. Highway 30 to the junction of U.S. Highway 83, thence south on U.S. Highway 83 to the junction of U.S. Highway 34, thence east on U.S. Highway 34 to the junction of U.S. Highway 136, thence east on U.S. Highway 136 to the junction of U.S. Highway 77, thence south on U.S. Highway 77 to the Kansas-Nebraska State line; (14-14) between points in the upper peninsula of Michigan on, south, and west of a line commencing at the United States-Canadian border on Interstate Highway 75, thence southwest on Interstate Highway 75 to the terminus of Mackinaw City; and, points in the lower peninsula of Michigan, on the one hand, and, on the other, points in Nevada; (14-15) between points in Michigan on, south, and west of a line commencing at L'Anse, Michigan, thence south and east on U.S. Highway 41 to the junction of Michigan Highway 95, thence south on Michigan Highway 95 to the junction of U.S. Highway 2, thence east on U.S. Highway 2 to the terminus of Escanaba, Michigan, on the one hand, and, on the other, points in New Hampshire; (14-16) between points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin State line on U.S. Highway 41, thence north on U.S. Highway 41 to the junction of U.S. Highway 2, thence west on U.S. Highway 2 to the

junction of Michigan Highway 95, thence north on Michigan Highway 95 to the junction of Michigan Highway 69, thence west on Michigan Highway 69 to the junction of U.S. Highway 141, thence north on U.S. Highway 141 to the junction of U.S. Highway 41, thence north on U.S. Highway 41 to the terminus of Baraga, Michigan, on the one hand, and, on the other, points in New Jersey.

(14-17a) Between points in Michigan, on the one hand, and, on the other, points in New Mexico on and south of a line commencing at the New Mexico-Arizona State line on U.S. Highway 66, thence east on U.S. Highway 66 to the junction of U.S. Highway 85, thence south on U.S. Highway 85 to the junction of U.S. Highway 60, thence east on U.S. Highway 60 to the New Mexico-Texas State line; (14-17b) between points in the lower peninsula of Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at Hancock, Michigan, thence south on U.S. Highway 41 to the junction of U.S. Highway 141, thence south on U.S. Highway 141 to the junction of Michigan-Wisconsin State line, on the one hand, and, on the other, points in New Mexico; (14-18) between points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin State line on U.S. Highway 141, thence north on U.S. Highway 141 to the junction of Michigan Highway 95, thence north on Michigan Highway 95 to the junction of Michigan Highway 69, thence west on Michigan Highway 69 to the junction of U.S. Highway 141, thence north on U.S. Highway 141 to the junction of U.S. Highway 41, thence north on U.S. Highway 41 to the terminus at Baraga, Michigan; and the point of Menominee, Michigan, on the one hand, and, on the other, points in New York on and east of a line commencing at Cape Vincent, New York, thence southeast on New York Highway 12E to the junction of New York Highway 12, thence southeast on New York Highway 12 to the junction of New York Highway 8, thence south on New York Highway 8 to the junction of New York Highway 17, thence southeast on New York Highway 17 to the terminus of Hale Eddy, New York.

(14-19a) Between points in the upper peninsula of Michigan on and west of a line commencing at Marquette, Michigan, thence south on U.S. Highway 41 to the terminus of Rapid River, Michigan, on the one hand, and, on the other, points in North Carolina; (14-19b) between Kalamazoo, Michigan; and points in the upper peninsula of Michigan; and points in the lower peninsula of Michigan on, north and west of a line commencing at Alpena, Michigan, thence west on Michigan Highway 32 to the junction of Michigan Highway 33, thence south on Michigan Highway 33 to the junction of Michigan Highway 72, thence west on Michigan Highway 72 to the junction of U.S. Highway 27, thence south on U.S. Highway 27 to the junction of Michigan Highway 55, thence west on Michigan Highway 55 to the

junction of U.S. Highway 131, thence south on U.S. Highway 131 to the junction of Interstate Highway 94, thence west on Interstate Highway 94 to the junction of Michigan Highway 51, thence south on Michigan Highway 51 to the junction of Michigan Highway 62, thence south on Michigan Highway 62 to the Michigan-Indiana State line, on the one hand, and, on the other, Postell, North Carolina; (14-20) between points in Michigan on, south and east of a line commencing at the Michigan-Ohio State line on U.S. Highway 25, thence northeast on U.S. Highway 25 to the terminus of Port Huron, Michigan; and the point of Temperance, Michigan, on the one hand, and, on the other, points in North Dakota on and west of a line commencing at the North Dakota-South Dakota State line on North Dakota Highway 6, thence north on North Dakota Highway 6 to the junction of U.S. Highway 83, thence north on U.S. Highway 83 to the junction of North Dakota Highway 256, thence north on North Dakota Highway 256 to the United States-Canadian border.

(14-21) Between points in the lower peninsula of Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at the Wisconsin-Michigan State line on Michigan Highway 95, thence north on Michigan Highway 95 to the junction of Michigan Highway 69, thence west on Michigan Highway 69 to the junction of U.S. Highway 141, thence north on U.S. Highway 141 to the junction of U.S. Highway 41, thence north on U.S. Highway 41 to the junction of Michigan Highway 203, thence north on Michigan Highway 203 to the terminus at F. J. McLain State Park, on the one hand, and, on the other, points in Oklahoma.

14. (22) Between points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to its terminus at Copper Harbor; and the point of Menominee, Michigan, on the one hand, and, on the other, points in Pennsylvania on, south and east of a line commencing at the Pennsylvania-West Virginia state line on U.S. Hwy 40, thence northeast on U.S. Hwy 40, to the jct. of U.S. Hwy 19, thence north on U.S. Hwy 19 to the jct. of U.S. Hwy 22, thence east on U.S. Hwy 22 to the jct. of PA St. Hwy 350, thence north on PA St. Hwy 350 to the jct. of PA St. Hwy 45, thence northeast on PA St. Hwy 45 to the jct. of PA St. Hwy 26, thence northeast on PA St. Hwy 26 to the jct. of PA St. Hwy 64, thence northeast on PA St. Hwy 64 to the jct. of PA St. Hwy 120, thence north on PA St. Hwy 120 to the jct. of U.S. Hwy 220, thence northeast on U.S. Hwy 220 to the New York-Pennsylvania state line.

14. (23) Between points in Michigan on and west of a line commencing at the

Michigan-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of MI St. Hwy 35, thence north on MI St. Hwy 35 to the jct. of U.S. Hwy 41 (at Escanaba, Michigan), thence north on U.S. Hwy 41 to its terminus at Marquette, Michigan, on the one hand, and, on the other, points in Rhode Island.

14. (24-a) Between points in the upper peninsula of Michigan; and points in the lower peninsula of Michigan on and west of a line commencing at the Indiana-Michigan state line on U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of MI St. Hwy 51, thence northeast on MI St. Hwy 51 to the jct. of I-94, thence west on I-94 to the jct. of U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of MI St. Hwy 21, thence northeast on MI St. Hwy 21 to the jct. of U.S. Hwy 131, thence north on U.S. Hwy 131 to the jct. of MI St. Hwy 66, thence north on MI St. Hwy 66 to the jct. of U.S. Hwy 31, thence northeast on U.S. Hwy 31 to the jct. of I-75, thence north on I-75 to the terminus of Mackinaw City, Michigan, on the one hand, and, on the other, points in South Carolina.

14. (24-b) Between points in the upper peninsula of Michigan; and points in the lower peninsula of Michigan on, north and west of a line commencing at the Indiana-Michigan state line on MI St. Hwy 66, thence north on MI St. Hwy 66 to the jct. of MI St. Hwy 21, thence east on MI St. Hwy 21 to the jct. of U.S. Hwy 27, thence north on U.S. Hwy 27 to the jct. of MI St. Hwy 20, thence east on MI St. Hwy 20 to the jct. of U.S. Hwy 10, (at or near Midland, Michigan), thence west on U.S. Hwy 10 to the jct. of MI St. Hwy 18, thence north on MI St. Hwy 18 to the jct. of MI St. Hwy 55, thence east on MI St. Hwy 55 to the terminus at Tawas City, Michigan, on the one hand, and, on the other, Beaufort and Charleston, South Carolina.

14. (25) Between points in the lower peninsula of Michigan, bounded on the west by Lake Huron; and bounded on the north by a line commencing at Ludington, Michigan, thence east on U.S. Hwy 10 to the jct. of I-75, thence north on I-75 to the jct. of MI St. Hwy 61, thence east on MI St. Hwy 61 to the jct. of U.S. Hwy 23, thence northeast on U.S. Hwy 23 to Tawas City, Michigan; and bounded on the east by Lake Huron, the St. Clair River, Lake St. Clair, the Detroit River, and Lake Erie; and bounded on the south by a line commencing at St. Joseph, Michigan (on Lake Michigan), thence south on U.S. Hwy 33 to the Indiana-Michigan state line, thence along the Indiana-Michigan state line and the Ohio-Michigan state line to Lake Erie, on the one hand, and, on the other, points in South Dakota on and west of a line commencing at the South Dakota-Wyoming state line on U.S. Hwy 212, thence southeast on U.S. Hwy 212 to the jct. of SD St. Hwy 34, thence southeast on SD St. Hwy 34 to the jct. of SD St. Hwy 79, thence south on SD St. Hwy 79 to the jct. of U.S. Hwy 18, thence west on U.S. Hwy 18 to the South Dakota-Wyoming state line.

14. (26) Between points in Michigan, on the one hand, and, on the other, points

in Texas on and south of a line commencing at the Texas-Oklahoma state line on I-40, thence west on I-40 to the New Mexico-Texas state line.

14. (27) Between points in the lower peninsula of Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at Grand Marais, Michigan, thence south on MI St. Hwy 77 to the terminus of Blaney Park, Michigan, on the one hand, and, on the other, points in Utah.

14. (28) Between points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of U.S. Hwy 2, thence west on U.S. Hwy 2 to the jct. of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the terminus of Baraga, Michigan, on the one hand, and, on the other, points in Vermont.

14. (29) Between points in the upper peninsula of Michigan on, south and west of a line commencing at Escanaba, Michigan, thence west on U.S. Hwy 2 to the jct. of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the terminus at Baraga, Michigan, on the one hand, and, on the other, points in Virginia.

14. (30) Between points in the lower peninsula of Michigan, on the one hand, and, on the other, points in Wyoming on, south and west of a line commencing at the Nebraska-Wyoming state line on U.S. Hwy 26, thence northwest on U.S. Hwy 26 to the jct. of I-25, thence south on I-25 to the jct. of WY St. Hwy 34, thence southwest on WY St. Hwy 34 to the jct. of U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of U.S. Hwy 187, thence north on U.S. Hwy 187 to the jct. of WY St. Hwy 28, thence northeast on WY St. Hwy 28 to the jct. of U.S. Hwy 287, thence west on U.S. Hwy 287 to the jct. of U.S. Hwy 26, thence west on U.S. Hwy 26 to the Idaho-Wyoming state line.

15. (1) Between points in Cook and Lake counties in Minnesota; and the point of Duluth, Minnesota; and points in Minnesota on and east of a line commencing at Winona, Minnesota, thence south on U.S. Hwy 61 to the jct. of MN St. Hwy 26, thence south on MN St. Hwy 26 to the Minnesota-Iowa state line, on the one hand, and, on the other, points in Arizona on and west of a line commencing at the Arizona-California state line on U.S. Hwy 80, thence east and south on U.S. Hwy 80 to the jct. of U.S. Hwy 95, thence south on U.S. Hwy 95 to the United States-Mexican border.

15. (2-a) Between points in Minnesota on, north and east of a line commencing at the Minnesota-Iowa state line on U.S. Hwy 52, thence north on U.S. Hwy 52 to the jct. of U.S. Hwy 10, thence north on U.S. Hwy 10 to the jct.

of U.S. Hwy 52, thence northwest on U.S. Hwy 52 to the Minnesota-North Dakota state line, on the one hand, and, on the other, points in Ashley, Chicot, Desha and Drew Counties, Arkansas; and the points of Warren, Arkansas.

15. (2-b) Between points in Minnesota, on the one hand, and, on the other, points in Arkansas on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the interchange of I-55 thence south on I-55 to the jct. of AR St. Hwy 77, thence south on AR St. Hwy 77 to the jct. of U.S. Hwy 70, thence east on U.S. Hwy 70 to the Arkansas-Tennessee state line.

15. (2-c) Between points in Minnesota on and north of a line commencing at the United States-Canadian border on MN St. Hwy 313, thence south on MN St. Hwy 313 to the jct. of MN St. Hwy 11, thence south on MN St. Hwy 11 to the jct. of MN St. Hwy 72, thence south on MN St. Hwy 72 to the jct. of MN St. Hwy 1, thence east on MN St. Hwy 1 to the jct. of MN St. Hwy 46, thence south on MN St. Hwy 46 to the jct. of U.S. Hwy 2, thence southeast on U.S. Hwy 2 to the Minnesota-Wisconsin state line; and the point of Winona, Minnesota, on the one hand, and, on the other, points in Arkansas on, south and east of a line commencing at the Arkansas-Missouri state line on AR St. Hwy 201, thence south on AR St. Hwy 201 to the jct. of AR St. Hwy 5, thence south on AR St. Hwy 5 to the jct. of AR St. Hwy 56, thence south on AR St. Hwy 56 to the jct. of AR St. Hwy 69, thence south on AR St. Hwy 69 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 79, thence south on U.S. Hwy 79 to the jct. of AR St. Hwy 98, thence west on AR St. Hwy 98 to the jct. of U.S. Hwy 82, thence west on U.S. Hwy 82 to the Arkansas-Texas state line.

15. (3-a) Between points in Minnesota, on the one hand, and, on the other, points in Louisiana on and east of a line commencing at Houma, Louisiana, thence west on U.S. Hwy 90 to the jct. of LA St. Hwy 20, thence east on LA St. Hwy 20 to the jct. of LA St. Hwy 1, thence north on LA St. Hwy 1 to the jct. of U.S. Hwy 190, thence east on U.S. Hwy 190 to the jct. of U.S. Hwy 61, thence north on U.S. Hwy 61 to the Louisiana-Mississippi state line.

15. (3-b) Between points in Minnesota on, north and east of a line commencing at Duluth, Minnesota, thence west on U.S. Hwy 2 to the jct. of MN St. Hwy 46, thence northwest on MN St. Hwy 46 to the jct. of MN St. Hwy 1, thence west on MN St. Hwy 1 to the jct. of MN St. Hwy 72, thence north on MN St. Hwy 72 to the jct. of MN St. Hwy 11, thence west on MN St. Hwy 11 to the jct. of MN St. Hwy 313, thence north on MN St. Hwy 313 to the United States-Canadian border; and the point of Winona, Minnesota, on the one hand, and, on the other, points in Louisiana.

15. (3-c) Between points in Minnesota on, north and east of a line commencing at the Minnesota-North Dakota state line on U.S. Hwy 2, thence east on U.S.

Hwy 2 to the jct. of MN St. Hwy 371, thence south on MN St. Hwy 371 to the jct. of U.S. Hwy 10, thence south on U.S. Hwy 10 to the jct. of U.S. Hwy 52, thence southeast on U.S. Hwy 52 to the Minnesota-Iowa state line, on the one hand, and, on the other, points in Louisiana on, south and east of a line commencing at the Louisiana-Texas state line on LA St. Hwy 6, thence northeast on LA St. Hwy 6 to the jct. of U.S. Hwy 84, thence east on U.S. Hwy 84 to the jct. of LA St. Hwy 34, thence northeast on LA St. Hwy 34 to the jct. of U.S. 80, (at Monroe, Louisiana), thence east on U.S. Hwy 80 to the jct. of U.S. Hwy 165, thence north on U.S. Hwy 165 to the Louisiana-Arkansas state line.

15. (4-a) Between points in Minnesota, on the one hand, and, on the other, points in Mississippi on and east of a line commencing at the Arkansas-Mississippi state line on U.S. Hwy 49, thence southeast on U.S. Hwy 49 to the jct. of U.S. Hwy 49E, thence south on U.S. Hwy 49E to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to the jct. of I-55, thence south on I-55 to the Mississippi-Louisiana state line.

15. (4-b) Between points in Minnesota on, north and east of a line commencing at the South Dakota-Minnesota state line on U.S. Hwy 12, thence northeast on U.S. Hwy 12 to the jct. of MN St. Hwy 7, thence east on MN St. Hwy 7 to the jct. of MN St. Hwy 15, thence south on MN St. Hwy 15 to the jct. of U.S. Hwy 14, (at New Ulm, Minnesota), thence east on U.S. Hwy 14 to the jct. of MN St. Hwy 22, thence south on MN St. Hwy 22 to the jct. of U.S. Hwy 16, thence east on U.S. Hwy 16 to the jct. of U.S. Hwy 69, thence south on U.S. Hwy 69 to the Minnesota-Iowa state line, on the one hand, and, on the other, points in Mississippi.

15. (5) Between Reno, Minnesota, on the one hand, and, on the other, Searchlight, Nevada.

15. (6-a) Between points in Minnesota on, west and north of a line commencing at the Minnesota-Iowa state line on U.S. Hwy 218, thence north on U.S. Hwy 218 to the jct. of U.S. Hwy 65, thence north on U.S. Hwy 65 to the jct. of U.S. Hwy 14, thence west on U.S. Hwy 14 to the jct. of MN St. Hwy 15, thence north on MN St. Hwy 15 to the jct. of U.S. Hwy 10, thence north on U.S. Hwy 10 to the jct. of MN St. Hwy 371, thence north on MN St. Hwy 371 to the jct. of MN St. Hwy 210, thence northeast on MN St. Hwy 210 to its terminus at the jct. of MN St. Hwy 210 and MN St. Hwy 23 (near the St. Louis River), on the one hand, and, on the other, points in New York.

15. (6-b) Between points in Minnesota, on the one hand, and, on the other, points in New York on and east of a line commencing at Rochester, New York, thence south on NY St. Hwy 15-A to the jct. of U.S. Hwy 15, thence south on U.S. Hwy 15 to the jct. of NY St. Hwy 21, thence south on NY St. Hwy 21 to the jct. of NY St. Hwy 36, thence south on NY St. Hwy 36 to the New York-Pennsylvania state line.

15. (6-c) Between Minneapolis and St. Paul, Minnesota, on the one hand, and,

on the other, points in New York on, north and west of a line commencing at Athol Springs, New York, thence south on NY St. Hwy 75 to the jct. of U.S. Hwy 20, thence northeast on U.S. Hwy 20 to the jct. of NY St. Hwy 78, thence north on NY St. Hwy 78 to its terminus at Olcott, New York.

15. (7) Between points in Minnesota on and east of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy 53, thence northwest on U.S. Hwy 53 to its terminus at International Falls, Minnesota; and the point of Reno, Minnesota, on the one hand, and, on the other, Idabel, Oklahoma.

15. (8-a) Between points in Minnesota on and west of a line commencing at the Iowa-Minnesota state line on U.S. Hwy 65, thence northwest on U.S. Hwy 65 to the jct. of U.S. Hwy 16, thence west on U.S. Hwy 16 to the jct. of MN St. Hwy 22, thence northwest on MN St. Hwy 22 to the jct. of U.S. Hwy 14, thence west on U.S. Hwy 14 to the jct. of U.S. Hwy 71, thence north on U.S. Hwy 71 to the jct. of MN St. Hwy 210, thence east on MN St. Hwy 210 to the jct. of U.S. Hwy 169, thence northeast on U.S. Hwy 169 to the jct. of U.S. Hwy 53, thence north on U.S. Hwy 53 to the jct. of MN St. Hwy 169, thence northeast on MN St. Hwy 169, to the jct. of MN St. Hwy 1, thence east on MN St. Hwy 1 to its terminus at the jct. of U.S. Hwy 61, on the one hand, and, on the other, points in Pennsylvania.

15. (8-b) Between points in Minnesota, on the one hand, and, on the other, points in Pennsylvania on, south and east of a line commencing at the Pennsylvania-West Virginia state line, on U.S. Hwy 22, thence east on U.S. Hwy 22 to the jct. of U.S. Hwy 220, thence northeast on U.S. Hwy 220 to the jct. of U.S. Hwy 15, thence north on U.S. Hwy 15 to the New York-Pennsylvania state line.

15. (9-a) Between points in Minnesota on and east of a line commencing at the United States-Canadian border, on MN St. Hwy 313, thence south on MN St. Hwy 313 to the jct. of MN St. Hwy 11, thence east on MN St. Hwy 11 to the jct. of MN St. Hwy 72, thence south on MN St. Hwy 72 to the jct. of MN St. Hwy 1, thence west on MN St. Hwy 1 to the jct. of MN St. Hwy 89, thence south on MN St. Hwy 89 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the Wisconsin-Minnesota state line and points in Minnesota on and east of a line commencing at the Wisconsin-Minnesota state line on U.S. Hwy 63, thence south on U.S. Hwy 63 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 16, thence south on U.S. Hwy 16 to the jct. of MN St. Hwy 26, thence south on MN St. Hwy 26 to the Minnesota-Iowa state line, on the one hand, and, on the other, Houston, Texas.

15. (9-b) Between points in Minnesota on and east of a line commencing at Duluth, Minnesota, thence north on U.S. Hwy 53 to its terminus at International Falls, Minnesota, on the one hand, and, on the other, points in Texas on and south of at Del Rio, Texas, thence east on U.S. Hwy 90 to the jct. of I-10, thence east on I-10 to the jct. of U.S. Hwy 77,

thence north on U.S. Hwy 77 to the jct. of TX St. Hwy 21, thence north on TX St. Hwy 21 to the jct. of U.S. Hwy 287, thence north on U.S. Hwy 287 to the jct. of TX St. Hwy 155, thence north on TX St. Hwy 155 to the jct. of U.S. Hwy 259, thence north on U.S. Hwy 259 to the jct. of U.S. Hwy 67, thence east on U.S. Hwy 67 to the Texas-Arkansas state line.

16. (1) Between points in Missouri on and north of a line commencing at the Missouri-Illinois state line, thence west on U.S. Hwy 36, thence to the Missouri-Kansas state line, on the one hand, and, on the other, points in Alabama on and north of a line commencing at the Alabama-Tennessee state line, thence south on I-65 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of I-65, thence south on I-65 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of AL St. Hwy 25, thence south on AL St. Hwy 25 to the jct. of AL St. Hwy 5, thence south on AL St. Hwy 5 to the jct. of AL St. Hwy 28, thence south on AL St. Hwy 28 to the jct. of AL St. Hwy 45, thence south on AL St. Hwy 45 to the jct. of AL St. Hwy 83, thence south on AL St. Hwy 83 to the jct. of I-65, thence south on I-65 to the jct. of AL St. Hwy 21, thence south on AL St. Hwy 21 to the Florida-Alabama state line.

16. (2) Between points in Missouri on and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 60, thence east on U.S. Hwy 60 to the Missouri-Kentucky state line, on the one hand, and, on the other, points in Arizona on and west of a line commencing at the Utah-Arizona state line on U.S. Hwy 89, thence south on U.S. Hwy 89 to the jct. of I-17, thence south on I-17 to the jct. of I-10, thence south on I-10 to the jct. of U.S. Hwy 89, thence south on U.S. Hwy 89 to the United States-Mexican border.

16. (3) Between points in Missouri on and north of a line commencing at the Kansas-Missouri state line on U.S. Hwy 66, thence east on U.S. Hwy 66 to the jct. of MO St. Hwy 43, thence north on MO St. Hwy 43 to the jct. of U.S. Hwy 54, thence east on U.S. Hwy 54 to the jct. of U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of MO St. Hwy 32, thence east on MO St. Hwy 32 to the jct. of U.S. Hwy 66, thence northeast on U.S. Hwy 66 to the terminus at St. Louis, Missouri, on the one hand, and, on the other, points in Florida on and southeast of a line commencing at Jacksonville, Florida, thence south on U.S. Hwy 17 to the jct. of FL St. Hwy 72, thence west on FL St. Hwy 72, to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the terminus at Sarasota, Florida.

16. (4-a) Between points in Missouri on and north of a line commencing at the Kansas-Missouri state line on Interstate 70, thence east on I-70 to the jct. of U.S. Hwy 63, thence north on U.S. Hwy 63 to the jct. of MO St. Hwy 22, thence east on MO St. Hwy 22 to the jct. of U.S. Hwy 54, thence northeast on U.S. Hwy 54 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Georgia.

16. (4-b) Between points in Missouri on and north of a line commencing at the Kansas-Missouri state line on U.S. Hwy 54, thence east on U.S. Hwy 54 to the jct. of MO St. 32, thence south and east on MO St. Hwy 32 to the jct. of U.S. Hwy 66, thence northeast on U.S. Hwy 66 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Georgia on, south and east of a line commencing at the Florida-Georgia state line on U.S. Hwy 1, thence northwest on U.S. Hwy 1 to the jct. of U.S. Hwy 82, thence northeast on U.S. Hwy 82 to the jct. of U.S. Hwy 17, thence north on U.S. Hwy 17 to the Georgia-South Carolina state line.

16. (5) Between points in Missouri on and east of a line commencing at the Missouri-Illinois state line on U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of I-270, thence west on I-270 to the jct. of I-244, thence south on I-244 to the jct. of I-55, thence south on I-55 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the Missouri-Arkansas state line, on the one hand, and, on the other, points in Idaho.

16. (6) Between Anson, Missouri, on the one hand, and, on the other, points in Louisiana on, east and south of a line commencing at the La-Miss. state line on LA St. Hwy 131, thence south on LA St. Hwy 131 to the jct. of LA St. Hwy 15, thence south on LA St. Hwy 15 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of LA St. Hwy 78, thence south on LA St. Hwy 78 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of I-10, thence west on I-10 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the Texas-Louisiana state line.

16. (7) Between Anson, Missouri, on the one hand, and, on the other, points in Mississippi on and south of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 84, thence southeast on U.S. Hwy 84 to the jct. of U.S. Hwy 98, thence southeast and northeast on U.S. Hwy 98 to the jct. of I-59, thence north on I-59 to the jct. of U.S. Hwy 84, thence east on U.S. Hwy 84 to the Alabama-Mississippi state line.

16. (8) Between points in Missouri on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Montana.

16. (9) Between points in Missouri on and northeast of a line commencing at Cape Girardeau, Missouri, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 62 at Sikeston, Missouri, thence east on U.S. Hwy 62 to its jct. with the Kentucky-Missouri state line, on the one hand, and, on the other, points in Nebraska on and northwest of a line commencing at the Colorado-Nebraska state line on NE St. Hwy 71, thence north on NE St. Hwy 71 to the jct. of NE St. Hwy 92, thence east on NE St. Hwy 92 to the jct. of U.S. Hwy 26, thence east on U.S. Hwy 26 to the jct. of U.S. Hwy 385, thence north on U.S. Hwy 385 to the jct. of NE St. Hwy 87,

thence north on NE St. Hwy 87 to the jct. of U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of U.S. Hwy 83, thence north on U.S. Hwy 83 to the Nebraska-South Dakota state line.

16. (10) Between points in Missouri on and east of a line commencing at the Missouri-Arkansas state line on MO St. Hwy 51, thence north on MO St. Hwy 51 to the jct. of MO St. Hwy 53, thence northwest on MO St. Hwy 53 to the jct. of U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of I-55, thence north on I-55 to the terminus at St. Louis, Missouri, on the one hand, and, on the other, points in Nevada on, north and east of a line commencing at the Nevada-California state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of NV St. Hwy 25, thence southeast on NV St. Hwy 25 to the jct. of U.S. Hwy 93, thence southeast on U.S. Hwy 93 to the jct. of NV St. Hwy 7, thence southeast on NV St. Hwy 7 to the jct. of I-15, thence northeast on I-15 to the Nevada-Arizona state line.

16. (11-a) Between St. Louis, Missouri, on the one hand, and, on the other, points in New Mexico on, west and south of a line commencing at the Arizona-New Mexico state line on I-10, thence east on I-10 to the jct. of U.S. Hwy 80, thence south on U.S. Hwy 80 to the New Mexico-Arizona state line.

16. (11-b) Between Cape Girardeau, Missouri, on the one hand, and, on the other, points in New Mexico on, north and west of a line commencing at the Arizona-New Mexico state line on NM St. Hwy 504, thence east on NM St. Hwy 504 to the jct. of U.S. Hwy 666, thence north on U.S. Hwy 666 to the New Mexico-Colorado State line.

16. (12-a) Between points in Missouri on, north and west of a line commencing at the Kansas-Missouri state line on MO St. Hwy 52, thence east on MO St. Hwy 52 to the jct. of U.S. Hwy 54, thence northeast on U.S. Hwy 54 to the Illinois-Missouri state line, on the one hand, and, on the other, points in North Carolina.

16. (12-b) Between points in Missouri on, north and west of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 60, thence east on U.S. Hwy 60 to the jct. of U.S. Hwy 61, thence north on U.S. Hwy 61 to the terminus at Cape Girardeau, Missouri, on the one hand, and, on the other, points in North Carolina on, north and east of a line commencing at the North Carolina-Virginia state line on U.S. Hwy 17, thence south on U.S. Hwy 17 to the jct. of U.S. Hwy 158, thence southeast on U.S. Hwy 158 to the terminus at Point Harbor, North Carolina.

16. (12-c) Between points in Missouri on, north and west of a line commencing at the Arkansas-Missouri state line on MO St. Hwy 101, thence north on MO St. Hwy 101 to the jct. of U.S. Hwy 160, thence east on U.S. Hwy 160 to the jct. of U.S. Hwy 63, thence north on U.S. Hwy 63 to the jct. of MO St. Hwy 137, thence north on MO St. Hwy 137 to the jct. of MO St. Hwy 32, thence east on MO St. Hwy 32 to the jct. of I-55, thence south on I-55 to the jct. of U.S. Hwy 61,

thence south on U.S. Hwy 61 to the jct. of MO St. Hwy 51, thence northeast on MO St. Hwy 51 to the Illinois-Missouri state line, on the one hand, and, on the other, points in North Carolina on and east of a line commencing at the North Carolina-Virginia state line on U.S. Hwy 15, thence south on U.S. Hwy 15 to the jct. of U.S. Hwy 70, thence southeast on U.S. Hwy 70 to the jct. of U.S. Hwy 301, thence southwest on U.S. Hwy 301 to the jct. of NC St. Hwy 24, thence east on NC St. Hwy 24 to the jct. of U.S. Hwy 421, thence southeast on U.S. Hwy 421 to the terminus at Carolina Beach, North Carolina.

16. (13) Between points in Missouri on and east of a line commencing at the Missouri-Arkansas state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Missouri-Illinois state line, on the one hand, and, on the other, points in North Dakota on, west and north of a line commencing at the North Dakota-South Dakota state line on ND St. Hwy 3, thence north on ND St. Hwy 3 to the jct. of U.S. Hwy 10, thence east on U.S. Hwy 10 to the North Dakota-Minnesota state line.

16. (14) Between points in Missouri on, north and west of a line commencing at St. Louis, Missouri, thence southwest on U.S. Hwy 66 to the jct. of U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of U.S. Hwy 60, thence west on U.S. Hwy 60 to the jct. of MO St. Hwy 174, thence west on MO St. Hwy 174 to the jct. of I-44, thence west on I-44 to the Kansas-Missouri state line, on the one hand, and, on the other, points in South Carolina on, north and east of a line commencing at Charleston, South Carolina, thence northwest on I-26 to the jct. of U.S. Hwy 276, thence northeast on U.S. Hwy 276 to the jct. of U.S. Hwy 25, thence north on U.S. Hwy 25 to the North Carolina-South Carolina state line.

16. (15-a) Between points in Missouri on and east of a line commencing at Cape Girardeau, Missouri, thence south on U.S. Hwy 61 to New Madrid, Missouri, on the one hand, and, on the other, points in South Dakota on and northwest of a line commencing at the South Dakota-Nebraska state line on SD St. Hwy 47, thence north on SD St. Hwy 47 to the jct. of U.S. Hwy 16, thence east on U.S. Hwy 16 to the jct. of SD St. Hwy 37, thence north on SD St. Hwy 37 to the jct. of SD St. Hwy 34, thence east on SD St. Hwy 34 to the jct. on U.S. Hwy 81, thence north on U.S. Hwy 81 to the jct. of U.S. Hwy 14, thence east on U.S. Hwy 14 to the South Dakota-Minnesota state line.

16. (15-b) Between points in Missouri on and east of a line commencing at St. Louis, Missouri, thence south on Interstate 55 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the Missouri-Arkansas state line, on the one hand, and, on the other, points in South Dakota on and northwest of a line commencing at the North Dakota-South Dakota state line on U.S. Hwy 81, thence west on U.S. Hwy 81 to the jct. of SD St. Hwy 23, thence west and south on SD St. Hwy 23 to the jct. of SD St. Hwy 10, thence west

on SD St. Hwy 10 to the jct. of SD St. Hwy 37, thence south on SD St. Hwy 37 to the jct. of U.S. Hwy 12, thence west on U.S. Hwy 12 to the jct. of SD St. Hwy 47, thence south on SD St. Hwy 47 to the jct. of U.S. Hwy 212, thence west on U.S. Hwy 212 to the jct. of SD St. Hwy 79, thence south on SD St. Hwy 79 to the jct. of I-90, thence east on I-90 to the jct. of U.S. Hwy 16, thence south on U.S. Hwy 16 to the jct. of U.S. Hwy Alt. 16, thence south on U.S. Hwy Alt. 16 to the jct. of SD St. Hwy 87, thence south on SD St. Hwy 87 to the jct. of U.S. Hwy 385, thence south on U.S. Hwy 385 to the jct. of SD St. Hwy 71, thence south on SD St. Hwy 71 to the South Dakota-Nebraska state line.

16. (16) Between Anson, Missouri, on the one hand, and, on the other, Port Arthur, Galveston, and Brownsville, Texas.

16. (17) Between points in Missouri on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of I-244, thence north on I-244 to the jct. of I-270, thence east on I-270 to the Missouri-Illinois state line, on the one hand, and, on the other, points in Utah on, north and west of a line commencing at the Nevada-Utah state line on U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of UT St. Hwy 39, thence northeast on UT St. Hwy 39 to the jct. of UT St. Hwy 16, thence north on UT St. Hwy 16 to the jct. of UT St. Hwy 30, thence east on UT St. Hwy 30 to the Utah-Wyoming state line.

16. (18-a) Between points in Missouri on, west and north of a line commencing at the Missouri-Arkansas state line on U.S. Hwy 65, thence north on U.S. Hwy 65 to the jct. of U.S. Hwy 66, thence northeast on U.S. Hwy 66 to the Missouri-Illinois state line, on the one hand, and, on the other, points in Virginia.

16. (18-b) Between points in Missouri, on the one hand, and, on the other, points in Virginia on, north and east of a line commencing at the Virginia-West Virginia state line on U.S. Hwy 250, thence east on U.S. Hwy 250 to Richmond, Virginia, thence east on U.S. Hwy 60 to the jct. of U.S. Hwy 17, thence south on U.S. Hwy 17 to the Virginia-North Carolina state line.

16. (19) Between points in Missouri on and east of a line commencing at St. Louis, Missouri, thence south on I-55 to the jct. of MO St. Hwy 51, thence south on MO St. Hwy 51 to the jct. of U.S. Hwy 60, thence west on U.S. Hwy 60 to the jct. of MO St. Hwy 53, thence south on MO St. Hwy 53 to the jct. of MO St. Hwy 51, thence south on MO St. Hwy 51 to the Missouri-Arkansas state line, on the one hand, and, on the other, points in Wyoming on, north and west of a line commencing at the Wyoming-South Dakota state line on U.S. Hwy 16, thence west on U.S. Hwy 16 to the jct. of I-90, thence west on I-90 to the jct. of U.S. Hwy 16, thence west on U.S. Hwy 16 to the jct. of WY St. Hwy 789, thence south on WY St. Hwy 789 to the jct. of WY St. Hwy 28, thence south on WY St. Hwy 28 to the jct. of U.S. Hwy 187, thence south

on U.S. Hwy 187 to the jct. of U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of WY St. Hwy 530, thence south on WY St. Hwy 530 to the Wyoming-Utah state line.

17. (1) Between points in Ohio on and north of a line commencing at the Indiana-Ohio state line, thence south on OH St. Hwy 571 to the jct. of I-75, thence north on I-75 to the jct. of U.S. Hwy 30N, thence east on U.S. Hwy 30N to the jct. of OH St. Hwy 67, thence north on OH St. Hwy 67 to the jct. of U.S. Hwy 224, thence east on U.S. Hwy 224 to the jct. of I-76, thence east on I-76 to the jct. of I-80, thence east on I-80 to the jct. of U.S. Hwy 422, thence east on U.S. Hwy 422 to the Ohio-Pennsylvania state line, on the one hand, and, on the other, points in Alabama on and west of a line commencing at the Mississippi-Alabama state line, thence east on U.S. Hwy 278 to the jct. of U.S. Hwy 78, thence southeast on U.S. Hwy 78 to the jct. of I-65, thence south on I-65 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of AL St. Hwy 53, thence south on AL St. Hwy 53 to the Alabama-Florida state line.

17. (2) Between points in Ohio on and north of a line commencing at Cincinnati, Ohio, thence east on U.S. Hwy 50 to the jct. of OH St. Hwy 124, thence east on OH St. Hwy 124 to the jct. of U.S. Hwy 35, thence south on U.S. Hwy 35 to the Ohio-West Virginia state line, on the one hand, and, on the other, points in Arkansas.

17. (3-a) Between Youngstown, Ohio; and points in Ohio on, north and west of a line commencing at the Ohio-Indiana state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 127, thence north on U.S. Hwy 127 to the jct. of OH St. Hwy 47, thence northeast on OH St. Hwy 47 to the jct. of OH St. Hwy 739, thence north and northeast on OH St. Hwy 739 to the jct. of OH St. Hwy 4, thence north on OH St. Hwy 4 to the jct. of U.S. Hwy 224, thence east on U.S. Hwy 224 to the jct. of U.S. Hwy 42, thence east on U.S. Hwy 42 to the jct. of I-76, thence east on I-76 to the jct. of I-80, thence east on I-80 to the Ohio-Pennsylvania state line, on the one hand, and, on the other, points in Florida on and west of a line commencing at the Florida-Alabama state line on U.S. Hwy 231, thence south on U.S. Hwy 231 to its terminus at Panama City, Florida.

17. (3-b) Between points in Ohio on, north and west of a line commencing at the Ohio-Indiana state line on U.S. Hwy 35, thence southeast and east on U.S. Hwy 35 to the jct. of OH St. Hwy 48, thence northwest on OH St. Hwy 48 to the jct. of OH St. Hwy 4, thence northeast on OH St. Hwy 4 to its terminus at Sandusky, Ohio, on the one hand, and, on the other, points in Florida on and south of a line commencing at the Florida-Alabama state line on U.S. Hwy 98, thence east on U.S. Hwy 98 to a terminus at Panama City, Florida; and points in Florida on and south of a line commencing at St. Petersburg, Florida, thence north and east on U.S. Hwy 92 to the jct. of FL St. Hwy 50, thence east on FL St. Hwy 50 to the jct. of FL St.

Hwy 15A, thence south on FL St. Hwy 15A to the jct. of FL St. Hwy 15, thence south on FL St. Hwy 15 to the jct. of U.S. Hwy 441, thence southeast on U.S. Hwy 441 to the jct. of FL St. Hwy 60, thence east on FL St. Hwy 60 to its terminus at Vero Beach, Florida.

17. (4-a) Between points in Ohio on and west of a line commencing at Toledo, Ohio, thence south on U.S. Hwy 25 to the jct. of U.S. Hwy 33, thence west on U.S. Hwy 33 to the jct. of OH St. Hwy 29, thence west on OH St. Hwy 29 to the jct. of U.S. Hwy 127, thence south on U.S. Hwy 127 to the jct. of OH St. Hwy 47, thence west on OH St. Hwy 47 to a terminus of Union City, Ohio, on the Indiana-Ohio state line; and points in Ohio on, west and north of a line commencing at Lake Erie at the jct. of OH St. Hwy 531 and OH St. Hwy 11, thence south to the jct. of U.S. Hwy 20 (at Astabula, Ohio), thence east on U.S. Hwy 20 to the Ohio-Pennsylvania state line, on the one hand, and, on the other, points in Georgia on and southwest of a line commencing at the Florida-Georgia state line on U.S. Hwy 27, thence north on U.S. Hwy 27 to Bainbridge, Georgia, thence east on GA St. Hwy 253 to its terminus.

17. (4-b) Between Toledo, Ohio on the one hand, and, on the other, points on and south of a line commencing at Columbus, Georgia, thence east on U.S. Hwy 280 to the jct. of U.S. Hwy 341, thence southeast on U.S. Hwy 341 to the terminus of Brunswick, Georgia.

17. (5-a) Between points in Ohio, on the one hand, and, on the other, points in Louisiana on, south and west of a line commencing at Abbeville, Louisiana on U.S. Hwy 167, thence north on U.S. Hwy 167 to the jct. of U.S. Hwy 71, thence northwest and north on U.S. Hwy 71 to the Louisiana-Arkansas state line.

17. (5-b) Between points in Ohio on and north of a line commencing at Gallipolis, Ohio, thence north on OH St. Hwy 160 to the jct. of U.S. Hwy 35, thence northwest on U.S. Hwy 35 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of I-75, thence south on I-75 to the Ohio-Kentucky state line, on the one hand, and, on the other, points in Louisiana.

17. (6-a) Between points in Ohio on and north of a line commencing at Cincinnati, Ohio, thence east on U.S. Hwy 50 to the Ohio-West Virginia state line, on the one hand, and, on the other, points in Mississippi on and west of a line commencing at the Mississippi-Tennessee state line, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to the jct. of U.S. Hwy 49E, thence south on U.S. Hwy 49E to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to its terminus at Gulfport, Mississippi.

17. (6-b) Between points in Ohio on and north of U.S. Hwy 40, on the one hand, and, on the other, points in Mississippi.

17. (7) Between points in Ohio on, south and east of a line commencing at the Indiana-Ohio state line on U.S. Hwy 224, thence east on U.S. Hwy 224 to the jct. of OH St. Hwy 66, thence north

on OH St. Hwy 66 to the jct. of U.S. Hwy 24, thence northeast on U.S. Hwy 24 to the Michigan-Ohio state line, on the one hand, and, on the other, points in North Dakota on, north and west of a line commencing at the North Dakota-South Dakota state line on U.S. Hwy 12, thence northwest on U.S. Hwy 12 to the jct. of ND St. Hwy 8, thence north on ND St. Hwy 8 to the jct. of U.S. Hwy 10, thence east on U.S. Hwy 10 to the jct. of U.S. Hwy 83, thence north on U.S. Hwy 83 to the jct. of ND St. Hwy 41, thence north on ND St. Hwy 41 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the jct. of ND St. Hwy 20, thence north on ND St. Hwy 20 to the jct. of ND St. Hwy 5, thence east on ND St. Hwy 5 to the jct. of ND St. Hwy 1, thence north on ND St. Hwy 1 to the United States-Canadian border.

17. (8) Between points in Ohio on, south and east of a line commencing at the Indian-Ohio state line on U.S. Hwy 24, thence northeast on U.S. Hwy 24 to the Ohio-Michigan state line, on the one hand, and, on the other, points in South Dakota on and west of a line commencing at the North Dakota-South Dakota state line on SD St. Hwy 45, thence southeast on SD St. Hwy 45 to the jct. of U.S. Hwy 12, thence east on U.S. Hwy 12 to the jct. of U.S. Hwy 281, (at Aberdeen, South Dakota), thence south on U.S. Hwy 281 to the jct. of U.S. Hwy 14, thence east on U.S. Hwy 14 to the jct. of SD St. Hwy 37, thence south on SD St. Hwy 37 to the jct. of U.S. Hwy 16, thence northeast on U.S. Hwy 16 to the jct. of U.S. Hwy 81, thence south on U.S. Hwy 81 to the Nebraska-South Dakota state line.

18. (1) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 41A, thence south and east on U.S. Hwy 41A to the jct. of U.S. Hwy 41, thence south and east on U.S. Hwy 41 to the jct. of U.S. Hwy 72, thence southwest on U.S. Hwy 72 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in Arizona.

18. (2) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 127, thence south on U.S. Hwy 127 to the jct. of TN St. Hwy 52, thence east on TN St. Hwy 52 to the jct. of U.S. Hwy 27, thence south on U.S. Hwy 27 to the jct. of TN St. Hwy 62, thence east on TN St. Hwy 62 to the jct. of U.S. Hwy 11, thence south on U.S. Hwy 11 to the jct. of TN St. Hwy 30, thence east on TN St. Hwy 30 to the jct. of TN St. Hwy 39, thence east on TN St. Hwy 39 to the jct. of U.S. Hwy 411, thence north on U.S. Hwy 411 to the jct. of TN St. Hwy 72, thence east on TN St. Hwy 72 to the jct. of U.S. Hwy 129, thence south on U.S. Hwy 129 to the Tennessee-North Carolina State line, on the one hand, and, on the other, Sulphur City, Arkansas.

18. (3-a) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy Alt. 41, thence southeast on U.S. Hwy Alt. 41 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of TN St. Hwy 11, thence southwest on TN

St. Hwy 11 to the Alabama-Tennessee state line, on the one hand, and, on the other, points in Colorado.

18. (3-b) Between points in Tennessee, on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 51, thence southwest on U.S. Hwy 51 to the jct. of TN St. Hwy 20, thence southeast on TN St. Hwy 20 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of TN St. Hwy 18, thence southwest on TN St. Hwy 18 to the Mississippi-Tennessee state line, on the one hand, and, on the other, points in Colorado, on and north of a line commencing at the Utah-Colorado state line on U.S. Hwy 6, thence east on U.S. Hwy 6, through and including Denver, Colorado, to the jct. of CO St. Hwy 113, thence north on CO St. Hwy 113 to the Colorado-Wyoming state line.

18. (4) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee state line on Interstate 65, thence south on I-65 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the Mississippi-Tennessee state line, on the one hand, and, on the other, points in Connecticut.

18. (5-a) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 641, thence south on U.S. Hwy 641 to the jct. of U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the jct. of I-240, thence south on I-240 to the jct. of U.S. Hwy 72, thence east on U.S. Hwy 72 to the jct. of TN St. Hwy 57, thence east on TN St. Hwy 57 to the jct. of TN St. Hwy 18, thence south on TN St. Hwy 18 to the Mississippi-Tennessee state line, on the one hand, and, on the other, points in Delaware.

18. (5-b) Between points in Tennessee on, north and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the jct. of U.S. Hwy 45E, thence south on U.S. Hwy 45E to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of TN St. Hwy 18, thence southwest on TN St. Hwy 18 to the Mississippi-Tennessee state line, on the one hand, and, on the other, points in Delaware on and north of a line commencing at the Delaware-Maryland state line on DE St. Hwy 300, thence northeast on DE St. Hwy 300 to the jct. of DE St. Hwy 6, thence northeast on DE St. Hwy 6 to the terminus at Woodland Beach, Delaware; and points in Delaware on south of a line commencing at the Delaware-Maryland state line on DE St. Hwy 404, thence southeast on DE St. Hwy 404 to the jct. of DE St. Hwy 18, thence east on DE St. Hwy 18 to the jct. of DE St. Hwy 14, thence southeast on DE St. Hwy 14 to the terminus at Dewey Beach, Delaware.

18. (6) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 641, thence south on U.S. Hwy 641 to the jct. of U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the jct. of TN St. Hwy 22, thence south on TN St. Hwy 22 to the jct. of U.S. Hwy 70, thence southwest on U.S. Hwy 70 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy

45 to the jct. of TN St. Hwy 18, thence southwest on TN St. Hwy 18 to the Mississippi-Tennessee state line, on the one hand, and, on the other, points in the District of Columbia.

18. (7-a) Between points in Tennessee on and east of a line commencing at the Tennessee-Kentucky state line on TN St. Hwy 69, thence southeast on TN St. Hwy 69 to the jct. of TN St. Hwy 77, thence southwest on TN St. Hwy 77 to the jct. of U.S. Hwy 70, thence southwest on U.S. Hwy 70 to the jct. of U.S. Hwy 45, thence southeast on U.S. Hwy 45 to the Tennessee-Mississippi state line, on the one hand, and, on the other, points in Kansas on, north and west of a line commencing at the Kansas-Nebraska state line on U.S. Hwy 183, thence south on U.S. Hwy 183 to the jct. of U.S. Hwy 383, thence southwest on U.S. Hwy 383 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the Kansas-Colorado state line.

18. (7-b) Between points in Tennessee on and east of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the jct. of U.S. Hwy 41A, thence southeast on U.S. Hwy 41A to the jct. of U.S. Hwy 41, thence southeast on U.S. Hwy 41 to the jct. of U.S. Hwy 72, thence south on U.S. Hwy 72 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in Kansas on, north and west of a line commencing at the Kansas-Oklahoma state line on U.S. Hwy 83, thence north on U.S. Hwy 83 to the jct. of U.S. Hwy 56, thence northeast on U.S. Hwy 56 to the jct. of U.S. Hwy 156, thence northeast on U.S. Hwy 156 to the jct. of KS St. Hwy 4, thence east and northeast on KS St. Hwy 4 to the jct. of KS St. Hwy 92, thence east and northeast on KS St. Hwy 92 to the Kansas-Missouri state line.

18. (8-a) Between points in Tennessee on and west of a line commencing at the Alabama-Tennessee state line on U.S. Hwy 231, thence north on U.S. Hwy 231 to the jct. of TN St. Hwy 50, thence northeast on TN St. Hwy 50 to the jct. of TN St. Hwy 55, thence northwest on TN St. Hwy 55 to the jct. of U.S. Hwy Alt. 41, thence northwest on U.S. Hwy Alt. 41 to the jct. of U.S. Hwy 231, thence north on U.S. Hwy 231 to the Tennessee-Kentucky state line, on the one hand, and, on the other, points in Maine.

18. (8-b) Between points in Tennessee on, west and north of a line commencing at the Alabama-Tennessee state line on U.S. Hwy 231, thence north on U.S. Hwy 231 to the jct. of TN St. Hwy 50, thence northeast on TN St. Hwy 50 to the jct. of TN St. Hwy 55, thence northeast on TN St. Hwy 55 to the jct. of TN St. Hwy 56, thence north on TN St. Hwy 56 to the jct. of U.S. Hwy 70N, thence east on U.S. Hwy 70N to the jct. of TN St. Hwy 42, thence north on TN St. Hwy 42 to the Tennessee-Kentucky state line, on the one hand, and, on the other, points in Maine on, north and east of a line commencing at Millbridge, Maine, on the Atlantic Ocean, thence north on ME St. Hwy 182 to the jct. of ME St. Hwy 193, thence north on ME St. Hwy 193 to the jct. of ME St. Hwy 9, thence west on

ME St. Hwy 9 to the jct. of U.S. Hwy 2, thence north on U.S. Hwy 2 to the jct. of U.S. Hwy 1, thence north on U.S. Hwy 1 to the terminus at Van Buren, Maine, on the United States-Canadian border.

18. (9-a) Between Dyersburg, Tennessee, on the one hand, and, on the other, points in Maryland.

18. (9-b) Between points in Tennessee on and west of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 79, thence south on U.S. Hwy 79 to the jct. of TN St. Hwy 13, thence south on TN St. Hwy 13 to the jct. of U.S. Hwy 70, thence west on U.S. Hwy 70 to the jct. of TN St. Hwy 69, thence south on TN St. Hwy 69 to the Tennessee-Alabama state line, on the one hand, and, on the other, Fair Hill, Maryland.

18. (9-c) Between points in Tennessee on and west of a line commencing at the Tennessee-Kentucky state line on TN St. Hwy. 119, thence south on TN St. Hwy. 119 to the jct. of U.S. Hwy. 79, thence south on U.S. Hwy. 79 to the jct. of U.S. Hwy. 45E, thence south on U.S. Hwy. 45E to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of TN St. Hwy. 18, thence south on TN St. Hwy. 18 to the jct. of TN St. Hwy. 125, thence south on TN St. Hwy. 125 to the Tennessee-Mississippi state line, on the one hand, and, on the other, points in Maryland, on and north of MD St. Hwy. 450, and points east of the Chesapeake Bay.

18. (10-a) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 31W, thence southwest on U.S. Hwy. 31W to the jct. of U.S. Hwy. 41A, thence southeast on U.S. Hwy. 41A to the jct. of U.S. Hwy. 231, thence south on U.S. Hwy. 231 to the Alabama-Tennessee state line, on the one hand, and, on the other, points in Massachusetts.

18. (10-b) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 231, thence south on U.S. Hwy. 231 to the Alabama-Tennessee state line, on the one hand, and, on the other, points in Massachusetts on, north and east of a line commencing at the Massachusetts-New York state line on MA St. Hwy. 9, thence east and southeast on MA St. Hwy. 9 to the jct. of U.S. Hwy. 20, thence west on U.S. Hwy. 20 to the jct. of MA St. Hwy. 146, thence southeast on MA St. Hwy. 146 to the Massachusetts-Rhode Island state line.

18. (11-a) Between points in Tennessee, on the one hand, and, on the other, points in Nebraska on and north of a line commencing at the Nebraska-South Dakota state line on U.S. Hwy. 83, thence south on U.S. Hwy. 83 to the jct. of U.S. Hwy. 20, thence west on U.S. Hwy. 20 to the jct. of NE St. Hwy. 87, thence south on NE St. Hwy. 87 to the jct. of U.S. Hwy. 385, thence south on U.S. Hwy. 385 to the jct. of NE St. Hwy. 2, thence north on NE St. Hwy. 2 to the jct. of U.S. Hwy. 20, thence west on U.S. Hwy. 20 to the Nebraska-Wyoming state line.

18. (11-b) Between points in Tennessee on and east of a line commencing at the Tennessee-Kentucky state line on TN St. Hwy. 120, thence south on TN St. Hwy. 120 to the jct. of U.S. Hwy. 79,

thence southwest on U.S. Hwy. 79 to the jct. of TN St. Hwy. 49, thence south on TN St. Hwy. 49 to the jct. of TN St. Hwy. 48, thence south on TN St. Hwy. 48 to the jct. of TN St. Hwy. 20, thence southeast on TN St. Hwy. 20 to the jct. of U.S. Hwy. 43, thence south on U.S. Hwy. 43 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in Nebraska.

18. (12) Between points in Tennessee on, north and east of a line commencing at the Arkansas-Tennessee state line on TN St. Hwy. 79, thence east on TN St. Hwy. 79 to the jct. of TN St. Hwy. 73, thence south on TN St. Hwy. 73 to the jct. of TN St. Hwy. 104, thence east on TN St. Hwy. 104 to the jct. of U.S. Hwy. 45W, thence south on U.S. Hwy. 45W to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of TN St. Hwy. 100, thence east on TN St. Hwy. 100 to the jct. of TN St. Hwy. 22, thence south on TN St. Hwy. 22 to the jct. of TN St. Hwy. 69, thence south on TN St. Hwy. 69 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in Nevada on and north of a line commencing at the Nevada-Arizona state line on U.S. Hwy. 91, thence southwest on U.S. Hwy. 91 to the jct. of U.S. Hwy. 95, thence northwest on U.S. Hwy. 95 to the jct. of NV St. Hwy. 29, thence south on NV St. Hwy. 29 to the Nevada-California state line.

18. (13-a) Between points in Tennessee on and west of a line commencing at the Alabama-Tennessee state line on U.S. Hwy 231, thence north on U.S. Hwy 231 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in New Hampshire.

18. (13-b) Between points in Tennessee on and west of a line commencing at the Alabama-Tennessee state line on TN St. Hwy 97, thence north on TN St. Hwy 97 to the jct. of U.S. Hwy 64, thence northeast on U.S. Hwy 64 to the jct. of U.S. Hwy Alt. 41, thence northwest on U.S. Hwy Alt. 41 to the jct. of TN St. Hwy 55, thence northeast on TN St. Hwy 55 to the jct. of U.S. Hwy 70S, thence northeast on U.S. Hwy 70S to the jct. of TN St. Hwy 42, thence northeast on TN St. Hwy 42 to the terminus at Chautauque, Tennessee, on the one hand, and, on the other, points in New Hampshire on and north of a line commencing at the Maine-New Hampshire state line on NH St. Hwy 26, thence northwest on NH St. Hwy 26 to the jct. of NH St. Hwy 16, thence southwest on NH St. Hwy 16 to the jct. of NH St. Hwy 110, thence northwest on NH St. Hwy 110 to the terminus at Groveton, New Hampshire.

18. (14-a) Between points in Tennessee on and west of a line commencing at the Mississippi-Tennessee state line on TN St. Hwy 57, thence north on TN St. Hwy 57 to the jct. of TN St. Hwy 128, thence north on TN St. Hwy 128 to the jct. of TN St. Hwy 69, thence west and north on TN St. Hwy 69 to the jct. of U.S. Hwy 70, thence east on TN St. Hwy 70 to the jct. of TN St. Hwy 13, thence northeast on TN St. Hwy 13 to the jct. of U.S. Hwy 79, thence northeast on U.S. Hwy 79 to the Kentucky-Tennessee state

line, on the one hand, and, on the other, points in New Jersey.

18. (14-b) Between points in Tennessee on and west of a line commencing at the Alabama-Tennessee state line on TN St. Hwy 11, thence northeast on TN St. Hwy 11 to the jct. of U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of U.S. Hwy 431, thence north on U.S. Hwy 431 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in New Jersey on and north of a line commencing at the New Jersey-Pennsylvania state line on U.S. Hwy 206, thence south on U.S. Hwy 206 to the jct. of U.S. Hwy 46, thence east on U.S. Hwy 46 to the jct. of I-95, thence north and east on I-95 to the New Jersey-New York state line.

18. (15) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy Alt. 41, thence southeast on U.S. Hwy Alt. 41 to the jct. of U.S. Hwy 41, thence southeast on U.S. Hwy 41 to the Tennessee-Georgia state line, on the one hand, and, on the other, points in New Mexico on, west and north of a line commencing at the Texas-New Mexico state line on U.S. Hwy 54, thence southwest on U.S. Hwy 54 to the jct. of U.S. Hwy 84, thence southeast on U.S. Hwy 84 to the jct. of NM St. Hwy 20, thence south on NM St. Hwy 20 to the jct. of U.S. Hwy 285, thence south on U.S. Hwy 285 to the jct. of U.S. Hwy 70, thence west and southwest on U.S. Hwy 70 to the jct. of U.S. Hwy 80, thence south on U.S. Hwy 80 to the New Mexico-Texas state line.

18. (16-a) Between points in Tennessee on and west of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 41A, thence southeast on U.S. Hwy 41A to the jct. of U.S. Hwy 431, thence south on U.S. Hwy 431 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of U.S. Hwy 43, thence southwest on U.S. Hwy 43 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in New York.

18. (16-b) Between points in Tennessee on, south and west of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of U.S. Hwy 70S, thence east on U.S. Hwy 70S to the jct. of TN St. Hwy 56, thence south on TN St. Hwy 56 to the jct. of U.S. Hwy 41, thence southeast on U.S. Hwy 41 to the jct. of U.S. Hwy 27, thence south on U.S. Hwy 27 to the Tennessee-Georgia state line, on the one hand, and, on the other, points in New York on, north and west of a line commencing at Oswego, New York, thence east on NY St. Hwy 104 to the jct. of NY St. Hwy 104B, thence east on NY St. Hwy 104B to the jct. of NY St. Hwy 3, thence north and northeast on NY St. Hwy 3 to its terminus at Plattsburgh, New York.

18. (17-a) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 41A, thence south on U.S. Hwy 41A to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to Columbia, Ten-

nessee, thence north on U.S. Hwy 31 to the jct. of TN St. Hwy 99, thence east on TN St. Hwy 99 to the jct. of I-65, thence south on I-65 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in Oklahoma on and west of a line commencing at the Kansas-Oklahoma state line on U.S. Hwy 54, thence south on U.S. Hwy 54 to the Texas-Oklahoma state line.

18. (17-b) Between points in Tennessee on and east of a line commencing at Cumberland Gap, Tennessee, thence south on U.S. Hwy 25 to the jct. of U.S. Hwy 411, thence west on U.S. Hwy 411 to the jct. of I-40, thence south on I-40 to the Tennessee-North Carolina state line, on the one hand, and, on the other, points in Oklahoma on and northwest of a line commencing at the Missouri-Oklahoma state line on I-44, thence southwest on I-44 to the jct. of I-35, thence south on I-35 to the jct. of I-40, thence west on I-40 to the jct. of U.S. Hwy 183, thence south on U.S. Hwy 183 to the jct. of U.S. Hwy 62, thence west on U.S. Hwy 62 to the jct. of U.S. Hwy 283, thence south on U.S. Hwy 283 to the Oklahoma-Texas state line.

18. (18-a) Between points in Tennessee on and west of a line commencing at the Mississippi-Tennessee state line on TN St. Hwy 57, thence north on TN St. Hwy 57 to the jct. of TN St. Hwy 128, thence north on TN St. Hwy 128 to the jct. of TN St. Hwy 69, thence west and north on TN St. Hwy 69 to the jct. of U.S. Hwy 70, thence east on U.S. Hwy 70 to the jct. of TN St. Hwy 13, thence north on TN St. Hwy 13 to the jct. of TN St. Hwy 49, thence northwest on TN St. Hwy 49 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Pennsylvania.

18. (18-b) Between points in Tennessee on and west of a line commencing at the Alabama-Tennessee state line on TN St. Hwy 11, thence northeast on TN St. Hwy 11 to the jct. of U.S. Hwy Alt. 31, thence northeast on U.S. Hwy Alt. 31 to the jct. of TN St. Hwy 99, thence northeast on TN St. Hwy 99 to the jct. of U.S. Hwy 41, thence northwest on U.S. Hwy 41 to the jct. of U.S. Hwy 431, thence north on U.S. Hwy 431 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Pennsylvania on, north and east of a line commencing at the New York-Pennsylvania state line on U.S. Hwy 220, thence south on U.S. Hwy 220 to the jct. of U.S. Hwy 6, thence southeast on U.S. Hwy 6 to the jct. of U.S. Hwy 11, thence south on U.S. Hwy 11 to Scranton, Pennsylvania, thence north on U.S. Hwy 11 to the jct. of U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of PA St. Hwy 652, thence northeast on PA St. Hwy 652 to the New York-Pennsylvania state line.

18. (19) Between points in Tennessee on and west of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of TN St. Hwy 99, thence west on TN St. Hwy 99 to the jct. of U.S. Hwy Alt. 31, thence south on U.S. Hwy Alt. 31 to the jct. of I-65, thence south on I-65 to the Tennessee-Alabama state

line, on the one hand, and, on the other, points in Rhode Island.

18. (20) Between points in Tennessee, on the one hand, and, on the other, points in South Dakota on and northwest of a line commencing at the South Dakota-Minnesota state line on U.S. Hwy 14, thence west on U.S. Hwy 14 to the jct. of SD St. Hwy 25, thence south on SD St. Hwy 25 to the jct. of SD St. Hwy 34, thence west on SD St. Hwy 34 to the jct. of SD St. Hwy 37, thence south on SD St. Hwy 37 to the jct. of I-90, thence west on I-90 to the jct. of SD St. Hwy 45, thence south on SD St. Hwy 45 to the jct. of SD St. Hwy 44, thence west on SD St. Hwy 44 to the jct. of SD St. Hwy 47, thence south on SD St. Hwy 47 to the jct. of U.S. Hwy 18, thence west on U.S. Hwy 18 to the jct. of U.S. Hwy 183, thence south on U.S. Hwy 183 to the South Dakota-Nebraska state line.

18. (21) Between El Paso and Amarillo, Texas, on the one hand, and, on the other, points in Tennessee on and northeast of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 41A, thence south on U.S. Hwy 41A to the jct. of TN St. Hwy 76, thence east on TN St. Hwy 76 to the jct. of U.S. Hwy 41, thence east on U.S. Hwy 41 to the jct. of TN St. Hwy 52, thence east on TN St. Hwy 52 to the jct. of TN St. Hwy 151, thence south on TN St. Hwy 151 to the jct. of TN St. Hwy 56, thence southeast on TN St. Hwy 56 to the jct. of TN St. Hwy 85, thence east on TN St. Hwy 85 to the jct. of TN St. Hwy 135, thence south on TN St. Hwy 135 to the jct. of U.S. Hwy 70N, thence south on U.S. Hwy 70N to the jct. of U.S. Hwy 70, thence east on U.S. Hwy 70 to the jct. of TN St. Hwy 58, thence south on TN St. Hwy 58 to the jct. of TN St. Hwy 68, thence east on TN St. Hwy 68 to the jct. of U.S. Hwy 11, thence south on U.S. Hwy 11 to the jct. of TN St. Hwy 30, thence southeast on TN St. Hwy 30 to the jct. of U.S. Hwy 411, thence south on U.S. Hwy 411 to the Tennessee-Georgia state line.

18. (22) Between points in Tennessee, on the one hand, and, on the other, points in Utah on, west and north of a line commencing at the Arizona-Utah state line on U.S. Hwy 91, thence north on U.S. Hwy 91 to the jct. of UT St. Hwy 4, thence east on UT St. Hwy 4 to the jct. of U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of UT St. Hwy 26, thence north on UT St. Hwy 26 to the jct. of U.S. Hwy 91, thence north on U.S. Hwy 91 to the jct. of U.S. Hwy 189, thence northeast on U.S. Hwy 189 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Utah-Colorado state line.

18. (23) Between points in Tennessee on and west of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 231, thence south on U.S. Hwy 231 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in Vermont.

18. (24-a) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 641, thence south on U.S. Hwy

641 to the jct. of U.S. Hwy 79, thence south on U.S. Hwy 79 to the jct. of U.S. Hwy 45E, thence south on U.S. Hwy 45E to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of U.S. Hwy 70, thence west on U.S. Hwy 70 to the jct. of I-40, thence west on I-40 to the terminus at Memphis, Tennessee, on the one hand, and, on the other, points in Virginia on and north of a line commencing at Arlington, Virginia, thence northwest on U.S. Hwy 50 to the Virginia-West Virginia state line.

18. (24-b) Between Dyersburg, Tennessee, on the one hand, and, on the other, points in Virginia on and northeast of a line commencing on U.S. Hwy 301 at the Potomac River, thence west on U.S. Hwy 301 to the jct. of VA St. Hwy 218, thence west on VA St. Hwy 218 to the jct. of U.S. Hwy 17, thence north on U.S. Hwy 17 to the jct. of U.S. Hwy 50, thence northwest on U.S. Hwy 50 to the Virginia-West Virginia state line.

18. (25) Between points in Tennessee, on the one hand, and, on the other, points in Wyoming on, west and north of a line commencing at the Colorado-Wyoming state line on U.S. Hwy 87, thence north on U.S. Hwy 87 to the jct. of U.S. Hwy 85, thence north on U.S. Hwy 85 to the jct. of U.S. Hwy 26, thence southeast on U.S. Hwy 26 to the Wyoming-Nebraska state line.

19. (1) Between points in Hancock, Brooke, and Ohio Counties, West Virginia, on the one hand, and, on the other, points in Alabama, on and west of a line commencing at the Mississippi-Alabama state line, thence south on U.S. Hwy 78 to the jct. of U.S. Hwy 43, thence south on U.S. Hwy 43 to the jct. of AL St. Hwy 171, thence south on AL St. Hwy 171 to the jct. of AL St. Hwy 69, thence south on AL St. Hwy 69 to the jct. of AL St. Hwy 25, thence south on AL St. Hwy 25 to the jct. of U.S. Hwy 80, thence south on U.S. Hwy 80 to the jct. of AL St. Hwy 41, thence south on AL St. Hwy 41 to the jct. of AL St. Hwy 89, thence south on AL St. Hwy 89 to the jct. of AL St. Hwy 21, thence south on AL St. Hwy 21 to the jct. of AL St. Hwy 10, thence south on AL St. Hwy 10 to the jct. of U.S. Hwy 331, thence south on U.S. Hwy 331 to the Florida-Alabama state line.

19. (2-a) Between points in West Virginia, on the one hand, and, on the other, points in Arkansas on, north and west of a line commencing at Ft. Smith, Arkansas, thence northeast on U.S. Hwy 64 to the jct. of U.S. Hwy 71, thence northeast on U.S. Hwy 71 to the jct. of AR St. Hwy 45, thence east on AR St. Hwy 45 to the jct. of AR St. Hwy 68, thence northeast on AR St. Hwy 68 to the jct. of U.S. Hwy 62, thence east on U.S. Hwy 62 to the jct. of AR St. Hwy 201, thence north on AR St. Hwy 201 to the Arkansas-Missouri state line.

19. (2-b) Between points in West Virginia on and north of a line commencing at the Ohio-West Virginia state line on U.S. Hwy 35, thence southeast on U.S. Hwy 35 to the jct. of WV St. Hwy 62, thence northeast on WV St. Hwy 62 to the jct. of WV St. Hwy 2, thence east on

WV St. Hwy 2 to the jct. of U.S. Hwy 33, thence east on U.S. Hwy 33 to the Virginia-West Virginia state line, on the one hand, and, on the other, points in Arkansas.

19. (3) Between points in West Virginia on and north of a line commencing at the Ohio-West Virginia state line on Interstate 70, thence east on I-70 to the Pennsylvania-West Virginia state line, on the one hand, and, on the other, points in Florida on, south and west of a line commencing at the Florida-Alabama state line on U.S. Hwy 331, thence south on U.S. Hwy 331 to the jct. of U.S. Hwy 98, thence southeast on U.S. Hwy 98 to the terminus at Panama City, Florida.

19. (4-a) Between points in West Virginia on and north of a line commencing at the Ohio-West Virginia state line on U.S. Hwy 50, thence east on U.S. Hwy 50 to the West Virginia-Maryland state line, on the one hand, and, on the other, points in Louisiana.

19. (4-b) Between points in West Virginia on and northeast of a line commencing at the Kentucky-West Virginia state line on U.S. Hwy 60, thence east and southeast on U.S. Hwy 60 to the Virginia-West Virginia state line, on the one hand, and, on the other, points in Louisiana on, west and north of a line commencing at the Texas-Louisiana state line on LA St. Hwy 6, thence northeast on LA St. Hwy 6 to the jct. of U.S. Hwy 171, thence northwest on U.S. Hwy 171 to the jct. of LA St. Hwy 175, thence north on LA St. Hwy 175 to the jct. of LA St. Hwy 1, thence north on LA St. Hwy 1 to the jct. of U.S. Hwy 71, thence north on U.S. Hwy 71 to the Louisiana-Arkansas state line.

19. (5-a) Between the counties of Hancock, Brooke and Ohio in West Virginia, on the one hand, and, on the other, points in Mississippi.

19. (5-b) Between points in West Virginia on and northeast of a line commencing at Parkersburg, West Virginia, thence south on WV St. Hwy 14, to the jct. of U.S. Hwy 33, thence east on U.S. Hwy 33 to the jct. of WV St. Hwy 16, thence south on WV St. Hwy 16 to the jct. of WV St. Hwy 4, thence northeast on WV St. Hwy 4 to the jct. of WV St. Hwy 20, thence south on WV St. Hwy 20 to the jct. of WV St. Hwy 15, thence east on WV St. Hwy 15 to the jct. of U.S. Hwy 219, thence south on U.S. Hwy 219 to the jct. of WV St. Hwy 39, thence south on WV St. Hwy 39 to the West Virginia-Virginia state line, on the one hand, and, on the other, Greenville, Mississippi.

19. (5-c) Between points in West Virginia on and north of a line commencing at Henderson, West Virginia, thence south on U.S. Hwy 35 to the jct. of I-64, thence east on I-64 to the jct. of WV St. Hwy 4, thence north on WV St. Hwy 4 to the jct. of Hwy 33, thence east on U.S. Hwy 33 to the jct. of WV St. Hwy 28, thence north on WV St. Hwy 28 to the jct. of WV St. Hwy 42, thence south on WV St. Hwy 42 to the jct. of U.S. Hwy 220, thence east on U.S. Hwy 220 to the jct. of WV St. Hwy 55, thence east on WV St. Hwy 55 to the West Virginia-

Virginia state line, on the one hand, and, on the other, Natchez, Mississippi.

19. (6-a) Between points in West Virginia on and north of a line commencing at the Kentucky-West Virginia state line on U.S. Hwy 119, thence east and north on U.S. Hwy 119 to the jct. of WV St. Hwy 10, thence southeast on WV St. Hwy 10 to the jct. of WV St. Hwy 85, thence northeast on WV St. Hwy 85 to the jct. of WV St. Hwy 99, thence east on WV St. Hwy 99 to the jct. of WV Hwy 3, thence east on WV St. Hwy 3 to the jct. of U.S. Hwy 19, thence northeast on U.S. Hwy 19 to the jct. of U.S. Hwy 60, thence southeast on U.S. Hwy 60 to the Virginia-West Virginia State line, on the one hand, and, on the other, points in Oklahoma.

19. (6-b) Between points in West Virginia, on the one hand, and, on the other, points in Oklahoma on, north and west of a line commencing at the Oklahoma-Texas state line on U.S. Hwy 69, thence northeast on U.S. Hwy 69 to the jct. of U.S. Hwy 270, thence east on U.S. Hwy 270 to the jct. of U.S. Hwy 271, thence northeast on U.S. Hwy 271 to the Arkansas-Oklahoma state line.

19. (7) Between points in West Virginia on and north of a line commencing at the Kentucky-West Virginia state line on U.S. Hwy 119, thence northeast on U.S. Hwy 119 to the jct. of U.S. Hwy 60, thence east on U.S. Hwy 60 to the jct. of WV St. Hwy 16, thence north on WV St. Hwy 16 to the jct. of WV St. Hwy 39, thence east on WV St. Hwy 39 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Texas.

20. (1) Between points in Wisconsin on and east of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of WI St. Hwy 17, thence southwest on WI St. Hwy 17 to the jct. of U.S. Hwy 8, thence southwest on U.S. Hwy 8 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of WI St. Hwy 54, thence west on WI St. Hwy 54 to the jct. of WI St. Hwy 13, thence south on WI St. Hwy 13 to the jct. of U.S. Hwy 12, thence south on U.S. Hwy 12 to the jct. of WI St. Hwy 78, thence southwest on WI St. Hwy 78 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Arizona.

20. (2-a) Between points in Wisconsin, on the one hand, and, on the other, points in Arkansas on, south and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of I-55, thence south on I-55 to the jct. of I-40, thence west on I-40 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 79, thence south on U.S. Hwy 79 to the Arkansas-Louisiana state line; and the point of Kiblah, Arkansas.

20. (2-b) Between points in Wisconsin on and east of a line commencing at the Wisconsin-Illinois state line on WI St. Hwy 69, thence north on WI St. Hwy 69 to the jct. of WI St. Hwy 92, thence north on WI St. Hwy 92 to the jct. of WI St. Hwy 78, thence north on WI St. Hwy 78 to the jct. of U.S. Hwy 12, thence north

on U.S. Hwy 12 to the jct. of WI St. Hwy 21, thence east on WI St. Hwy 21 to the St. Hwy 78 to the Illinois-Wisconsin state jct. of WI St. Hwy 173, thence north on WI St. Hwy 173 to the jct. of WI St. Hwy 80, thence north on WI St. Hwy 80 to the jct. of WI St. Hwy 13, thence north on WI St. Hwy 13 to the terminus at Red Cliff, Wisconsin, on the one hand, and, on the other, points in Arkansas.

20. (3-a) Between points in Wisconsin on and east of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of I-94, thence west on I-94 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of WI St. Hwy 36, thence south on WI St. Hwy 36 to the jct. of WI St. Hwy 83, thence south on WI St. Hwy 83 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Colorado on and south of a line commencing at the Colorado-Utah state line on U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of I-25, thence south on I-25 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the Colorado-Kansas state line.

20. (3-b) Between points in Wisconsin on and east of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of WI St. Hwy 70, thence west on WI St. Hwy 70 to the jct. of WI St. Hwy 17, thence south on WI St. Hwy 17 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of WI St. Hwy 23, thence southwest on WI St. Hwy 23 to the jct. of U.S. Hwy 12, thence south on U.S. Hwy 12 to the jct. of WI St. Hwy 78, thence south on WI St. Hwy 78 to the jct. of WI St. Hwy 92, thence south on WI St. Hwy 92 to the jct. of WI St. Hwy 69, thence south on WI St. Hwy 69 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Colorado on, south and west of a line commencing at the Colorado-Utah state line on U.S. Hwy 666, thence southeast on U.S. Hwy 666 to the jct. of U.S. Hwy 160, thence east on U.S. Hwy 160 to the jct. of U.S. Hwy 550, thence south on U.S. Hwy 550 to the Colorado-New Mexico state line.

20. (4-a) Between points in Wisconsin on and east of a line commencing at the Wisconsin-Illinois state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 26, thence north on WI St. Hwy 26 to the jct. of WI St. Hwy 109, thence north on WI St. Hwy 109 to the jct. of WI St. Hwy 67, thence north on WI St. Hwy 67 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of U.S. Hwy 151, thence north on U.S. Hwy 151 to the jct. of WI St. Hwy 57, thence north on WI St. Hwy 57 to the terminus at Green Bay, Wisconsin, on the one hand, and, on the other, points in Idaho on, south and west of a line commencing at the Idaho-Oregon state line on Interstate 80N thence southeast on I-80N to the interchange on U.S. Hwy. 93, thence south on U.S. Hwy 93 to the Idaho-Nevada state line.

20. (4-b) Between Kenosha, Wisconsin, on the one hand, and, on the other, points in Idaho (except points in the

counties of Boundary, Fremont, and Idaho).

20. (5-a) Between Kenosha, Wisconsin, on the one hand, and, on the other, points in Kansas.

20. (5-b) Between points in Wisconsin on and east of a line commencing at the Wisconsin-Illinois state line on WI St. Hwy 69, thence north on WI St. Hwy 69 to the jct. of U.S. Hwy 151, thence northeast on U.S. Hwy 151 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy 51 to the jct. of U.S. Hwy BR 2, thence east on U.S. Hwy BR 2 to the Wisconsin-Michigan state line, on the one hand, and, on the other, Baxter Springs, Kansas.

20. (5-c) Between points in Wisconsin on and east of a line commencing at Manitowoc, Wisconsin, thence south on WI St. Hwy 42 to the jct. of U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of WI St. Hwy 57, thence south on WI St. Hwy 57 to the jct. of WI St. Hwy 181, thence south on WI St. Hwy 181 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the Wisconsin-Illinois state line, on the one hand, and, on the other, points in Kansas on, south and west of a line commencing at the Kansas-Nebraska state line on U.S. Hwy 183, thence south on U.S. Hwy 183 to the jct. of KS St. Hwy 18, thence east on KS St. Hwy 18 to the jct. of U.S. Hwy 77, thence east on U.S. Hwy 77 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 59, thence south on U.S. Hwy 59 to the jct. of KS St. Hwy 52, thence east on KS St. Hwy 52 to the Kansas-Missouri state line.

20. (6-a) Between points in Wisconsin on, north and west of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 26, thence northeast on WI St. Hwy 26 to the jct. of U.S. Hwy 18, thence east on U.S. Hwy 18 to the jct. of WI St. Hwy 59, thence east on WI St. Hwy 59 to its terminus at Milwaukee, Wisconsin, on the one hand, and, on the other, points in Massachusetts.

20. (6-b) Between points in Wisconsin, on the one hand, and, on the other, points in Massachusetts on and east of a line commencing at the Massachusetts-Vermont state line on U.S. Hwy 5, thence south on U.S. Hwy 5 to the Connecticut-Massachusetts state line.

20. (7) Between Kenosha, Wisconsin, on the one hand, and, on the other, points in Montana on Interstate 15 commencing at Dell, Montana, thence south on I-15 to the Montana-Idaho state line.

20. (8-a) Between points in Wisconsin on and east of a line commencing at Racine, Wisconsin, thence south on WI St. Hwy 32 to the Wisconsin-Illinois state line, on the one hand, and, on the other, Haigler, Nebraska.

20. (8-b) Between Kenosha, Wisconsin, on the one hand, and, on the other, points in Nebraska on, south and west on a line commencing at the Nebraska-Kansas state line on U.S. Hwy 73, thence north on U.S. Hwy 73 to the jct. of NE St. Hwy 4, thence east on NE St. Hwy 4 to the Nebraska-Missouri state line; and the point of Haigler, Nebraska.

20. (9-a) Between points in Wisconsin on and east of a line commencing at Marinette, Wisconsin, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 151, thence south on U.S. Hwy 151 to the jct. of WI St. Hwy 26, thence south on WI St. Hwy 26 to the jct. of WI St. Hwy 19, thence south on WI St. Hwy 19 to the jct. of U.S. Hwy 16, thence east on U.S. Hwy 16 to the jct. of WI St. Hwy 67, thence south on WI St. Hwy 67 to the jct. of U.S. Hwy 12, thence south on U.S. Hwy 12 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Nevada.

20. (9-b) Between points in Wisconsin on and east of a line commencing at the Wisconsin-Michigan state line on U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of WI St. Hwy 26, thence south on WI St. Hwy 26 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Wisconsin-Illinois state line, on the one hand, and, on the other, points in Nevada on and southwest of a line commencing at the California-Nevada state line on NV St. Hwy 8A, thence east on NV St. Hwy 8A to the jct. of NV St. Hwy 34, thence south on NV St. Hwy 34 to the jct. of NV St. Hwy 48, thence east on NV St. Hwy 48 to the jct. of NV St. Hwy 49, thence east on NV St. Hwy 49 to the jct. of I-80, thence east on I-80 to the jct. of U.S. Hwy 93, thence south on U.S. Hwy 93 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Nevada-Utah state line.

20. (10-a) Between points in Wisconsin on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the Michigan-Wisconsin state line, on the one hand, and, on the other, points in New Mexico on and south of a line commencing at the New Mexico-Texas state line on U.S. Hwy 70, thence west and southwest on U.S. Hwy 70 to the jct. of U.S. Hwy 380, thence west on U.S. Hwy 380 to the jct. of I-25, thence north on I-25 to the jct. of I-40, thence west on I-40 to the Arizona-New Mexico state line.

20. (10-b) Between points in Wisconsin on and east of a line commencing at the Iowa-Wisconsin state line on WI St. Hwy 11, thence east on WI St. Hwy 11 to the jct. of WI St. Hwy 80, thence north on WI St. Hwy 80 to the jct. of WI St. Hwy 13, thence north on WI St. Hwy 13 to the terminus at Red Cliff, Wisconsin, on the one hand, and, on the other, points in New Mexico on, south and east of a line commencing at the New Mexico-Texas state line on U.S. Hwy 62, thence southwest on U.S. Hwy 62 to the New Mexico-Texas state line; and the point of Animas, New Mexico.

20. (10-c) Between points in Wisconsin on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 26, thence north on WI St. Hwy 26 to the jct. of U.S. Hwy 41, thence northeast on U.S. Hwy 41 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the Michigan-Wisconsin state line, on the one hand, and, on the other, points in New Mexico.

20. (11-a) Between points in Wisconsin on, north and west of a line commencing at Marinette, Wisconsin, thence west on WI St. Hwy 64 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of WI St. Hwy 54, thence west on WI St. Hwy 54 to the jct. of WI St. Hwy 27, thence south on WI St. Hwy 27 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to the Wisconsin-Illinois state line, on the one hand, and, on the other, points in New York on and east of a line commencing at Oswego, New York, thence south on NY St. Hwy 57, to the jct. of U.S. Hwy 11, thence south on U.S. Hwy 11 to the New York-Pennsylvania state line.

20. (11-b) Between points in Wisconsin on and north of a line commencing at Hurley, Wisconsin, thence west on WI St. Hwy 77 to the jct. of U.S. Hwy 63, thence west on U.S. Hwy 63 to the jct. of WI St. Hwy 70, thence west on WI St. Hwy 70 to the jct. of WI St. Hwy 35, thence south on WI St. Hwy 35 to the jct. of U.S. Hwy 8, thence west on U.S. Hwy 8 to the Wisconsin-Minnesota state line, on the one hand, and, on the other, points in New York on and east of a line commencing at Buffalo, New York, thence south on NY St. Hwy 16 to the jct. of U.S. Hwy Alt. 20, thence east on U.S. Hwy Alt. 20 to the jct. of NY St. Hwy 19, thence south on NY St. Hwy 19 to the New York-Pennsylvania state line.

20. (11-c) Between points in Wisconsin, on the one hand, and, on the other, points in New York on and south of a line commencing at the New York-Pennsylvania state line on U.S. Hwy. 209, thence northeast on U.S. Hwy 209 to the jct. of NY St. Hwy 28, thence east on NY St. Hwy 28 to the jct. of U.S. Hwy 9W, thence south on U.S. Hwy 9W to the jct. of U.S. Hwy 44, thence northeast on U.S. Hwy 44 to the New York-Connecticut state line.

20. (12-a) Between points in Wisconsin on and east of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy 53, thence south on U.S. Hwy 53 to the jct. of WI St. Hwy 35, (at Galesville, Wisconsin,) thence south on WI St. Hwy 35 to the jct. of U.S. Hwy 16, thence west on U.S. Hwy 16 to the Minnesota-Wisconsin state line, on the one hand, and, on the other, points in Oklahoma on and south of a line commencing at the Arkansas-Oklahoma state line on OK St. Hwy 3, thence north-west on OK St. Hwy 3 to the jct. of U.S. Hwy 70, thence west on U.S. Hwy 70 to the jct. of OK St. Hwy 37, thence west and south on OK St. Hwy 37 to the Oklahoma-Texas state line.

20. (12-b) Between points in Wisconsin on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the Michigan-Wisconsin state line, on the one hand, and, on the other, points in Oklahoma on, south and east of a line commencing at Kansas-Oklahoma state line on U.S. Hwy 66, thence southwest on U.S. Hwy 66 to the Oklahoma-Texas state line.

20. (13-a) Between points in Wisconsin, on the one hand, and, on the other, points in Pennsylvania on, south and

east of a line commencing at the New Jersey-Pennsylvania state line on U.S. Hwy 22, thence west on U.S. Hwy 22 to the jct. of PA St. Hwy 309, thence south on PA St. Hwy 309 to the jct. of U.S. Hwy 222, thence southwest on U.S. Hwy 222 to the jct. of U.S. Hwy 422, thence west on U.S. Hwy 422 to the jct. of U.S. Hwy 322, thence east on U.S. Hwy 322 to the jct. of I-83, thence southwest on I-83 to the jct. of I-76, thence west on I-76 to the jct. of U.S. Hwy 11, thence southwest on U.S. Hwy 11 to the jct. of PA St. Hwy 316, thence south on PA St. Hwy 316 to the Maryland-Pennsylvania state line.

20. (13-b) Between points in Wisconsin on, north and west of a line commencing at the Minnesota-Wisconsin state line on WI St. Hwy 25, thence north on WI St. Hwy 25 to the jct. of U.S. Hwy 12, thence east on U.S. Hwy 12 to the jct. of WI St. Hwy 40, thence northeast on WI St. Hwy 40 to the jct. of U.S. Hwy 8, thence east on U.S. Hwy 8 to the jct. of WI St. Hwy 13, thence north on WI St. Hwy 13 to the jct. of WI St. Hwy 77, thence east on WI St. Hwy 77 to Hurley, Wisconsin, on the one hand, and, on the other, points in Pennsylvania on, south and east of a line commencing at the Pennsylvania-West Virginia state line on U.S. Hwy 22, thence east on U.S. Hwy 22 to the jct. of U.S. Hwy 220, thence northeast on U.S. Hwy 220 to the jct. of PA St. Hwy 287, thence north on PA St. Hwy 287 to the jct. of U.S. Hwy 15, thence north on U.S. Hwy 15 to the New York-Pennsylvania state line.

20. (14-a) Between points in Wisconsin on and east of a line commencing at the Wisconsin-Michigan state line on U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of WI St. Hwy 17, thence south on WI St. Hwy 17 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of WI St. Hwy 29, thence south on WI St. Hwy 29 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of WI St. Hwy 26, thence south on WI St. Hwy 26 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Wisconsin-Illinois state line, on the one hand, and, on the other, points in Texas.

20. (14-b) Between points in Wisconsin, on the one hand, and, on the other, points in Texas on and east of a line commencing at the Louisiana-Texas state line on TX St. Hwy 21, thence west on TX St. Hwy 21 to the jct. of TX St. Hwy 87, thence south on TX St. Hwy 87 to the jct. of TX St. Hwy 63, thence west on TX St. Hwy 63 to the jct. of U.S. Hwy 96, thence south on U.S. Hwy 96 to the jct. of TX St. Hwy 62, thence south on TX St. Hwy 62 to the jct. of I-10, thence west on I-10 to the jct. of TX St. Hwy 288, thence south on TX St. Hwy 288 to the jct. of TX St. Hwy 35, thence south on TX St. Hwy 35 to the jct. of U.S. Hwy 181, thence south on U.S. Hwy 181 to the jct. of TX St. Hwy 44, thence south on TX St. Hwy 44 to the jct. of U.S. Hwy 77, thence south on U.S. Hwy 77 to the terminus at Brownsville, Texas.

20. (15-a) Between points in Wisconsin on and east of a line commencing at

[Notice No. 878]

ASSIGNMENT OF HEARINGS

OCTOBER 7, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 109533 Sub 85, Overnite Transportation Company, continued to October 15, 1975 (2 days), at The Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio.

AB 9 Sub 4, St. Louis-San Francisco Railway Company Abandonment Between Parsons and Dennis, in Labette County, Kansas, now assigned November 11, 1975, at Parsons, Kansas, will be held on the 2nd Floor South Side, Municipal Building.

MC 107295 Sub 765, Pre-Pak Transit Co., A Corporation, now assigned November 14, 1975, at Kansas City, Missouri, will be held in Room 609, 911 Walnut Street, Federal Office Building.

MC 89116 Sub 175, Spector Freight System, Inc., now assigned November 17, 1975, at Kansas City, Missouri, will be held in Room 609, Federal Office Building, 911 Walnut Street.

No. 35913, Louis Dreyfus Corporation, et al. vs. The Atchafalaya, Topeka and Santa Fe Railway Company, et al., now assigned November 19, 1975, at Kansas City, Missouri, will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 921 Sub 28, Dean Truck Line, Inc., now assigned November 3, 1975, at Jackson, Mississippi is cancelled, and reassigned November 3, 1975, at the Holiday Inn, Junction 45 North and U.S. 78, Tupelo, Mississippi.

MC 115331 Sub 383, Truck Transport, Incorporated, and MC 128220 Sub 13, Ralph Latham d/b/a Latham Trucking Company, now being assigned for pre-hearing conference December 1, 1975 (1 day), at St. Louis, Missouri, in a hearing room to be later designated.

MC 139193 Sub 19, Roberts & Oake, Inc., now being assigned December 2, 1975 (2 days), at St. Louis, Missouri, in a hearing room to be later designated.

MC 113678 Sub 573, Curtis, Inc., now being assigned December 4, 1975 (2 days), at St. Louis, Missouri, in a hearing room to be later designated.

MC 105457 Sub 83, Thurston Motor Lines, Inc., now being assigned for continued hearing, November 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 76036 Sub 6, Canadian Freightways Eastern Limited, now assigned November 11, 1975, at Lansing, Michigan, has been postponed to November 12, 1975 (3 days), at Lansing, Michigan; in Room 215 Federal Building, 325 West Allegan Street.

MC 113495 Sub 67, Gregory Heavy Haulers, Inc., now assigned November 17, 1975, at Washington, D.C., is canceled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27365 Filed 10-9-75; 8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 7, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43055—*Roofing and Building Material from, to, and Between Points in Southwestern, Eastern, IRC, Southern and WTL Territories*. Filed by Southwestern Freight Bureau, Agent (No. B-557), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application, between points in southwestern territory, including Mississippi River crossings Memphis, Tennessee, and south; also between points in southwestern territory, on the one hand, and points in eastern, IRC, southern and western trunk-line territories, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariffs—Supplement 63 to Southwestern Freight Bureau, Agent, tariff SW-2004-J, I.C.C. No. 5160, and 3 other schedules name in the application. Rates are published to become effective on November 10, 1975.

FSA No. 43056—*Paper and Paper Articles Between Points in Western Trunk Line and Southwestern Territories*. Filed by Southwestern Freight Bureau, Agent (No. B-564), for interested rail carriers. Rates on paper and paper articles, in carloads, as described in the application, between points in western trunk-line (including IRC) territory, also Ft. Francis, Ont., on the one hand, and points in southwestern territory, on the other. Grounds for relief—Revision of rate structure.

Tariffs—Supplements 75 and 115 to Southwestern Freight Bureau, Agent, tariffs 281-I and SW/W-2006-J, I.C.C. Nos. 5047 and 5056, respectively. Rates are published to become effective on November 25, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27367 Filed 10-9-75; 8:45 am]

[Notice No. 95]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 10, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regula-

the Illinois-Wisconsin State line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 26, thence north on WI St. Hwy 26 to the jct. of U.S. Hwy 41, thence northeast on U.S. Hwy 41 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the Michigan-Wisconsin state line, on the one hand, and on the other, points in Utah on and south of a line commencing at the Colorado-Utah state line on Interstate 70, thence west on I-70 to the jct. of U.S. Hwy 89, thence southwest on U.S. Hwy 89 to the jct. of UT St. Hwy 26, thence northwest on UT St. Hwy 26 to the jct. of U.S. Hwy 6 and 50, thence west on U.S. Hwy 6 and 50 to the Nevada-Utah state line.

20. (15-b) Between points in Wisconsin, on south and east of a line commencing at Manitowoc, Wisconsin, thence west on U.S. Hwy 151 to the jct. of U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of WI St. Hwy 100, thence west on WI St. Hwy 100 to the jct. of WI St. Hwy 74, thence southwest on WI St. Hwy 74 to the jct. of WI St. Hwy 164, thence south on WI St. Hwy 164 to the jct. of WI St. Hwy 59, thence southwest on WI St. Hwy 59 to the jct. of WI St. Hwy 83, thence southeast on WI St. Hwy 83 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Utah.

20. (16-a) Between the point of Kenosha, Wisconsin, on the one hand, and, on the other, points in Wyoming, on south and west of a line commencing at the Colorado-Wyoming state line on U.S. Hwy 85, thence north on U.S. Hwy 85 to the jct. of I-80, thence west on I-80 to the jct. of U.S. Hwy 187, thence north on U.S. Hwy 187 to the jct. of U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of WY St. Hwy 120, thence north on WY St. Hwy 120 to the Montana-Wyoming state line.

20. (16-b) Between points in Wisconsin on and east of a line commencing at Manitowoc, Wisconsin, thence east on U.S. Hwy 151 to the jct. of U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of I-94, thence west on I-94 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of WI St. Hwy 36, thence southwest on WI St. Hwy 36 to the jct. of WI St. Hwy 83, thence southeast on WI St. Hwy 83 to the Illinois-Wisconsin State line, on the one hand, and, on the other, points in Wyoming, on south and west of a line commencing at the Utah-Wyoming State line on WY St. Hwy 530, thence north on WY St. Hwy 530 to the jct. of I-80, thence east on I-80 to Rock Springs, Wyoming, thence return west on I-80 to the jct. of U.S. Hwy 30N, thence northwest on U.S. Hwy 30N to the jct. of WY St. Hwy 89, thence west on WY St. Hwy 89 to the Utah-Wyoming state line. The purpose of this filing is to eliminate the gateway of Paris, Illinois.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27363 Filed 10-9-75; 8:45 am]

tions prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 30, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76114. By order entered October 7, 1975, the Motor Carrier Board

approved the transfer to Clarence Wyatt Transfer, Incorporated, Richmond, Va., of the operating rights set forth in Permit No. MC 133197 (Sub-No. 1), issued November 2, 1970, to C & W Transfer Company, Incorporated, Richmond, Va., authorizing the transportation of toilet preparations, soap, cosmetics, and related advertising materials, from Richmond, Va., to points in Henrico, Hanover, Charles City, New Kent, Prince George, Dinwiddie, Amelia, Powhatan, King William, Coochland, and Chesterfield Counties, Va., under a continuing contract, or contracts, with Avon Products, Inc. D. H. Eure, 1260 Mutual Building, Richmond, Va. 23219, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-27368 Filed 10-9-75; 4:45 am]

[Notice No. 80]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Transport Service Co., MC-112801 Sub-138	MC-112801 Sub-143	Mar. 18, 1975
Russ Transport, Inc., MC-116459 Sub-52	MC-116459 Sub-53	Sept. 22, 1975
McGuffin Milk Delivery Service, Inc., MC-124379 Sub-8	MC-124379 Sub-4	Sept. 8, 1975
Mexicana Reeder Service, Inc., MC-127587 Sub-7	MC-127587 Sub-8	Sept. 17, 1975
Sarehfield Transfer, Ltd., MC-134408 Sub-3	MC-134408 Sub-4	Sept. 17, 1975
B. J. McAdams, Inc., MC-134922 Sub-76	MC-134922 Sub-68	Sept. 23, 1975
D.b.a., Pritchett-Ward, MC-140126 Sub-1	MC-140126 Sub-2	Sept. 15, 1975
Special Dispatch Inc., MC-140152	MC-140152 Sub-1	Sept. 16, 1975

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-27369 Filed 10-9-75; 8:15 am]

[Notice No. 85]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Beyer Transfer & Storage, Inc., MC-35338 Sub-27	MC-35338 Sub-28	Sept. 19, 1975
L & M Express Co., Inc., MC-44639 Sub-33	MC-44639 Sub-36	Sept. 25, 1975
Klasek Truck Lines, Inc., MC-44735 Sub-41	MC-44735 Sub-16	Sept. 19, 1975
Hunt Transportation, Inc., MC-82841 Sub-152	MC-82841 Sub-144	Sept. 17, 1975
Melton Truck Lines, Inc., MC-106966 Sub-279	MC-106966 Sub-265	Sept. 16, 1975
Transport, Inc., MC-101675 Sub-118	MC-101675 Sub-119	Sept. 19, 1975
The Geo. A. Rheman Co., Inc., MC-103191 Sub-41, 43	MC-103191 Sub-40	Sept. 26, 1975
Frontier Delivery Inc., MC-104675 Sub-33	MC-104675 Sub-35	Sept. 18, 1975
Miller Transporters, Inc., MC-107002 Sub-451	MC-107002 Sub-454	Do.
Miller Transporters, Inc., MC-107002 Sub-496	MC-107002 Sub-465	Do.
Mathack, Inc., MC-107403 Sub-900, 908	MC-107403 Sub-883	Sept. 25, 1975
Refrigerated Transport Co., Inc., MC-107515 Sub-899	MC-107515 Sub-905	Sept. 17, 1975
Frozen Food Express, MC-108307 Sub-377	MC-108307 Sub-387	Sept. 22, 1975
Puroator Carrier Corp., MC-111729 Sub-478, 489, 448	MC-111729 Sub-421	Sept. 18, 1975
Vitalis Truck Lines, Inc., MC-114274 Sub-24	MC-114274 Sub-25	Sept. 15, 1975
Cenmt Transporters, Inc., MC-123157 Sub-19	MC-123157 Sub-20	Sept. 16, 1975
McKevitt Trucking Ltd., MC-123169 Sub-10	MC-123169 Sub-11	Sept. 22, 1975
T. T. Brooks Trucking Co., Inc., MC-123556 Sub-6	MC-123556 Sub-7	Sept. 17, 1975
D.b.a., R. Jeffrey & Sons, MC-124017 Sub-4	MC-124017 Sub-5	Sept. 26, 1975
Schwemmer Trucking Co., MC-124075 Sub-306, 307, 309	MC-124075 Sub-603	Do.
Alan P. Gregg, Inc., MC-124147 Sub-4	MC-124147 Sub-5	Sept. 24, 1975
Williamson Truck Lines, Inc., MC-124806 Sub-8	MC-124806 Sub-9	Sept. 26, 1975
Towne Air Freight, Inc., MC-125853 Sub-4	MC-125853 Sub-5	Sept. 15, 1975
Everett G. Roehl, Inc., MC-127651 Sub-17, 18, 23, 26	MC-127651 Sub-25	Do.
LTL Perishables, Inc., MC-135874 Sub-32	MC-135874 Sub-31	Sept. 17, 1975
United States Transportation, Inc., MC-136012 Sub-1	MC-136012 Sub-2	Sept. 26, 1975
D.b.a., Egon Masher Trucking, MC-136283 Sub-2	MC-136283 Sub-3	Sept. 25, 1975
Space Carriers, Inc., MC-136512 Sub-5	MC-136512 Sub-6	Sept. 26, 1975

Temporary authority application	Final action or certificate or permit	Date of action
Oregon Rubber Co., MC-138151	MC-138151 Sub-1	Sept. 16, 1975
Gencom, Inc., MC-138026 Sub-3	MC-138026 Sub-2	Sept. 15, 1975
212 Auto Sales, Inc., MC-139021 Sub-1	MC-139021 Sub-2	Do.
D.b.a., Al E. Hall Trucking, MC-139277 Sub-1	MC-139277	Sept. 23, 1975
Charlot Trucking, Inc., MC-139317	MC-139317 Sub-1	Sept. 5, 1975
Aim Cartage & Leasing, Inc., MC-139311 Sub-1	MC-139311 Sub-2	Do.
Federal Armored Express, Inc., MC-139566 Sub-3	MC-139566 Sub-4	Sept. 2, 1975
D.R.S. Transport, Inc., MC-139615 Sub-1	MC-139615	Do.
W-W Transportation Co., Inc., MC-139647	MC-139647 Sub-1	Sept. 3, 1975
D.b.a., L. & S. Trucking, MC-139989	MC-139989 Sub-1	Sept. 9, 1975

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27370 Filed 10-9-75;8:45 am]

[Notice No. 87]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Winnike Transfer Lines, Inc., MC-13035 Sub-11	MC-13035 Sub-12	Sept. 5, 1975
Dotson Truck Line, Inc., MC-20092 Sub-28	MC-20092 Sub-29	Aug. 28, 1975
Kissick Truck Lines, Inc., MC-44735 Sub-14	MC-44735 Sub-15	Sept. 2, 1975
Richard Acerra, Inc., MC-94876 Sub-11	MC-94876 Sub-12	Aug. 29, 1975
Port Norris Express Co., Inc., MC-110841 Sub-17	MC-110841 Sub-18	Sept. 11, 1975
Puroator Courier Corp., MC-111729 Subs-401, 402, 406	MC-111729 Sub-418	Aug. 25, 1975
San Van Galder, Inc., MC-112422 Sub-4	MC-112422 Sub-5	Sept. 5, 1975
Bray Lines, Inc., MC-112822 Sub-342	MC-112822 Sub-347	Do.
Leiter C. Newton Trucking Co., MC-113388 Sub-106	MC-113388 Sub-107	Sept. 11, 1975
Whitfield Tank Lines, Inc., MC-114897 Subs-104, 114, 115	MC-114897 Sub-107	Sept. 2, 1975
Dart Transportation Service, MC-114917 Sub-7	MC-114917 Sub-8	Sept. 4, 1975
Bulk Transport Inc., MC-117439 Sub-47	MC-117439 Sub-48	Sept. 4, 1975
Hahn Truck Line, Inc. MC-117765 Subs-167, 170	MC-117765 Sub-171	Aug. 29, 1975
Contract Freighters, Inc., MC-119399 Sub-47	MC-119399 Sub-48	Sept. 2, 1975
D.b.a., Mayer Truck Line, MC-120078 Sub-11	MC-120078 Sub-12	Sept. 5, 1975
Moore Van & Storage of Woodland, Inc., MC-120699 Sub-3	MC-120699 Sub-4	Do.
Brazos Transport Co., MC-120930 Sub-10	MC-120930 Sub-11	Sept. 8, 1975
Transol Co., MC-127867 Sub-11	MC-127867 Sub-12	Sept. 2, 1975
D.b.a., Franklin Truck Line, MC-128219 Sub-2	MC-128219 Sub-1	Sept. 9, 1975
Mur-Gall, Inc., MC-128841 Sub-4	MC-128841 Sub-5	Aug. 29, 1975
Samuel J. Lansberry, MC-129124 Sub-10	MC-129124 Sub-11	Sept. 5, 1975
Wayne Daniel Truck, Inc., MC-133591 Subs-9, 10, 11, 14	MC-133591 Sub-12	Sept. 2, 1975
Steve Caldwell, MC-133984 Sub-4	MC-133984 Sub-5	Do.
Art Pipe Transfer, Inc., MC-136553 Sub-28	MC-136553 Sub-30	Sept. 4, 1975
J. M. J. Projects, Inc., MC-138563 Sub-2	MC-138563 Sub-3	Do.
Atlas Delivery Service, Inc., MC-139182	MC-139182 Sub-1	Sept. 2, 1975

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27368 Filed 10-9-75;8:45 am]

[Notice No. 113]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 7, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication on or before October 25, 1975. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and

type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107925 (Sub-No. 776TA), filed September 30, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: *Composition board, flakeboard, and particleboard*, from the plantsites and warehouse facilities of Distco Laminating, Inc., located in Grand Rapids and Kentwood, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Edmund J. Biziorek, President, Distco Laminating, Inc., 4934 Starr SE., Grand Rapids, Mich. 49506. Send protests to: Harold C. Joliff, District Commissioner, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 112750 (Sub-No. 320TA), filed September 29, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments*, between Monroe and Shreveport, La., on the one hand, and, on the other, points in Blenville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, De Soto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Tensas, Union, Webster, and West Carroll Counties, La., restricted to the transportation of traffic having an immediately prior or subsequent movement by air for 90 days. Supporting shipper: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anthony D. Glaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 129032 (Sub-No. 15TA), filed September 25, 1975. Applicant: TOM INMAN TRUCKING, INC., 6015 S. 49th St., Tulsa, Okla. 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crated flat glass*, from the plantsite of Ford Motor Company, Tulsa Glass Plant, at or near Tulsa, Okla., to Salt Lake City, Ogden and Provo, Utah; Boise and Nampa, Idaho, for 180 days. Supporting shipper: Ford Motor Company, Tulsa Glass Plant. Edward M. Gosvener, T. R., P.O. Box 555, Tulsa, Okla. 74102. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O.

Bldg., 215 NW, Third, Oklahoma City, Okla. 73102.

No. MC 129526 (Sub-No. 4TA), filed September 25, 1975. Applicant: FACTOR TRUCK SERVICE, INC., 2607 Old Rodgers Road, Bristol, Pa. 19007. Applicant's representative: Robert B. Einhorn, 3220 PSFS Bldg., 12 South 12th St., Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent lighting fixtures*, from Bristol, Pa., to points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, and South Dakota, *parts and accessories of fluorescent lighting fixtures*, from Bristol, Pa., to points in the forty-eight contiguous States, under a continuing contract with Keystone Lighting Corporation, for 180 days. Supporting shipper: Keystone Lighting Corporation, Route 13, and Beaver Streets, Bristol, Pa. 19007. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 133966 (Sub-No. 41TA), filed September 29, 1975. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene film*, from South Deerfield, Mass., to Shreveport, La., for 180 days. Supporting shipper: Deerfield Plastics Co., Inc., South Deerfield, Mass. 01373. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. P.O. Bldg., Scranton, Pa. 18503.

No. MC 136008 (Sub-No. 63TA), filed September 30, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 8161 N. May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Union County, N. Mex., and Sheridan County, Wyo., to points in Colorado, Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin, for 180 days. Supporting shipper: Twin Mountain Rock Company, Milo Namtvedt, Sales Mgr., P.O. Box 1009, Sheridan, Wyo. 82801. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 NW, Third, Oklahoma City, Okla. 73102.

No. MC 138235 (Sub-No. 3TA), filed October 1, 1975. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains,

N.J. 07444. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lawn equipment, tractors, bicycles, snow plows, motor cycles*, between Westfield, Mass., Cleveland, Strongsville, Willard, Ohio, and Indianapolis, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with MTD Products, Inc., for 180 days. Supporting shipper: MTD Products, Inc., P.O. Box 329, Willard, Ohio. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 138512 (Sub-No. 11TA), filed September 29, 1975. Applicant: ROLAND TRANSPORTATION SERVICES, INCORPORATED, doing business as WISCONSIN PROVISIONS EXPRESS, 3383 E. Layton Ave., Dudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gift boxes, foods, foodstuffs, specialty gift items, and advertising materials* (except in bulk), between Montor, Wis., on the one hand, and, on the other, points in Arizona, California, Colorado, Florida, Georgia, Indiana, Massachusetts, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Virginia, and Washington, D.C., under a continuing contract with Swiss Colony, Inc., for 180 days. Supporting shipper: Swiss Colony, Inc., 1112 7th Ave., Monroe, Wis. 53566. Send protests to: John E. Ryden, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 138817 (Sub-No. 1TA), filed September 25, 1975. Applicant: STEPHEN W. KETCHUM, doing business as KETCHUM TRUCKING COMPANY, 995 North Cass Lake Road, Pontiac, Mich. 48054. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and lids*, from Rochester, Mich., to points in Ohio, Illinois, Indiana, Kansas, Missouri, Texas, Florida, North Carolina, South Carolina, Wisconsin, Iowa, Nebraska, Minnesota, Kentucky, Maryland, Delaware, New York, New Jersey, Pennsylvania, and Mississippi, under a continuing contract or contracts with Leticia Corporation, for 180 days. Supporting shipper: Leticia Corporation, Purchasing Agent and Traffic Manager, William A. Curry, 1600 Hamlin Road, Rochester, Mich. 48063. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 138844 (Sub-No. 9TA), filed September 29, 1975. Applicant: GAS INCORPORATED, 87 Industrial Ave.,

Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. 07304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas*, in bulk, in cryogenic tank trailers, from Reading, Pa., to Providence, R.I., for 180 days. Supporting shipper: U.G.I. Corporation, 225 Morgantown Rd., Reading, Pa. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 138844 (Sub-No. 10TA), filed September 29, 1975. Applicant: GAS INCORPORATED, 87 Industrial Ave., Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. 07304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas*, in bulk, in vacuum insulated cryogenic tank trailers, from Conshohocken, Pa., to Providence, R.I., for 180 days. Supporting shipper: U.G.I. Corporation, 225 Morgantown Rd., Reading, Pa. 19602. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 138844 (Sub-No. 11TA), filed September 29, 1975. Applicant: GAS INCORPORATED, 87 Industrial Ave., Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. 07304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas*, in bulk, in cryogenic tank vehicles, from Lynn, Mass., to Providence, R.I. for 180 days. Supporting shipper: U.G.I. Corporation, 225 Morgantown Rd., Conshohocken, Pa. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

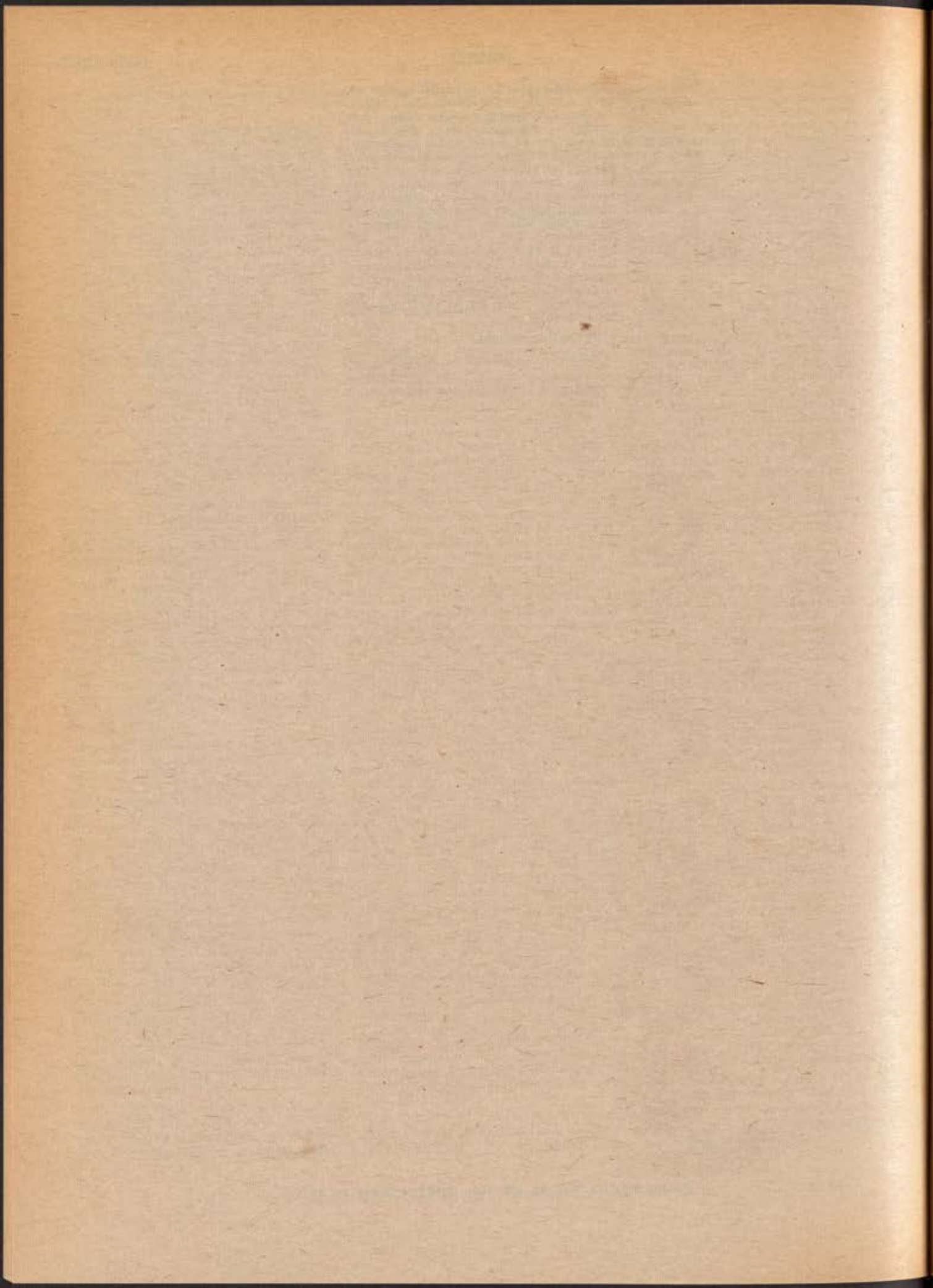
No. MC 141356TA, filed September 26, 1975. Applicant: LONE PINE TRUCKING COMPANY, 11831 Vose St., North Hollywood, Calif. 91605. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores, and chemicals*, dry, in bulk, between points in Inyo County, Calif.; Mono County, Calif., and those in San Bernardino County, Calif., east of U.S. Highway 395, restricted to shipments having a subsequent movement in interstate commerce by rail, for 180 days. Supporting shippers: American Perlite Company, 11831 Vose St., North Hollywood, Calif. 91605. Morrison & Weatherly, P.O. 296, Lone Pine, Calif. 93545. Victor Chartrand & Labar Whittle, d.b.a., Vogue Engineering, P.O. Box 845, Beverly Hills, Calif. 90213. Send protests to: Mildred I. Price, Transportation Assistant, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 14135TA, filed September 25, 1975. Applicant: SHANUS, INC., 232 N. 1st St., Minneapolis, Minn. 55401. Applicant's representative: Gene P. Shanus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fleshings, a by-product or residue of hides*, from South St. Paul, Minn. to Sioux City, Iowa and Green Bay, Wis., for 180 days. Supporting shipper: Twin City Hide, Inc., 491 Malden, S. St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27364 Filed 10-9-75;8:45 am]



federal register

FRIDAY, OCTOBER 10, 1975



PART II:

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service



GRADING AND INSPECTION

General Specifications for Approved
Dairy Plants and Standards for
Grades of Dairy Products

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service

Under authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621), a notice of proposed rule making covering the revision of the General Specifications for Dairy Plants Approved for USDA, Inspection and Grading Service, hereinafter referred to as General Specifications, was published in the FEDERAL REGISTER of February 12, 1975 (40 FR 6608). The revision updates and upgrades the various requirements relative to technological changes that have occurred in equipment, facilities, and manufacturing operations since the General Specifications became effective May 16, 1967.

STATEMENT OF CONSIDERATIONS

Interested persons were given until July 1, 1975, to submit written data, views or arguments with respect to the proposed rulemaking. Twenty-one letters were received by the Hearing Clerk on the proposal. Two letters were from individuals, three from State agencies, ten from industry, and six from trade associations. Some of the commentors from industry are members of the trade associations who submitted comments. Four trade associations expressed favorable comments for adoption of the revised General Specifications and one individual expressed favorable comments for adoption of the abnormal milk program as proposed. Comments were as follows:

1. One commentor suggested clarification that the General Specifications apply only to human food plants. This intent is implied in the title of the document and its content. The high level requirements for plant and facilities, sanitation and product quality are consistent only with a human food operation.

2. One commentor questioned whether the definition of an approved plant was intended to prohibit the use of imported dairy products. USDA inspection services are provided under authority of the Agricultural Marketing Act of 1946. The Department interprets this act to apply to domestic products and not imports.

3. One commentor suggested an addition to the definition of an inspector to include licensed industry employees or consultants. Maintaining the integrity of the voluntary service requires inspectors who are not biased by any financial interest, loyalty or responsibility to applicants requesting service. The service must be provided fairly and uniformly on a national basis. It would be difficult and impractical for industry employees or consultants to meet these criteria.

4. One commentor suggested that the light intensity in the plant processing and packaging areas and the storage rooms be increased. The requirement for at least 30 foot

candles in the processing and packaging areas and 5 foot candles in storage areas are minimum requirements. The light also shall be ample and well distributed. Experience has shown that the requirements are adequate.

5. Six commentors suggested deleting the listed requirements for disposal of dairy wastes and instead make requirements consistent with the Environmental Protection Agency. Such change was made.

6. One commentor suggested deleting the detailed description for general construction of equipment and utensils and substituting requirements for compliance with 3-A Sanitary Standards. To date, 3-A Sanitary Standards have not been developed for all equipment. Therefore, the detailed requirements are needed.

7. One commentor suggested that properly covered facilities with open sides should be sufficient for washing and sanitizing bulk tank trucks. The General Specifications permit such covered facilities where adverse climatic conditions are not encountered. However, plants located in areas where adverse climatic conditions may be encountered shall have enclosed facilities at the plant or available at a central location.

8. Two comments were received suggesting stricter requirements on use of antibiotics for treating mastitis infection in cows. One commentor suggested additional penalties for milk containing antibiotics. The other suggested more frequent testing for presence of antibiotics in milk. The proposed regulations are accepted procedures for surveillance on all grades of milk. Therefore, the Department accepts these procedures. Since States are responsible for laws regulating the quality of milk, an individual State may institute tighter regulations.

9. Four comments were received concerning the proposed abnormal milk program. One comment supports the program; one comment suggests raising the permitted somatic cell count from 1,500,000 to 2,000,000; one comment suggests reducing the regimen of testing; and one comment suggests a provision to permit each laboratory to set its own level above which confirmatory testing using the Wisconsin Mastitis Test is to be done. Accordingly, a provision was included in the specifications for each laboratory to establish its own Wisconsin Mastitis Test score above which confirmatory testing is to be done. This change makes the specifications consistent with those of the National Mastitis Council and the Abnormal Milk Committee of the National Conference on Interstate Milk Shipments. The Department's position is that abnormal milk should be excluded from all grades of milk and supports the efforts of the dairy industry and regulatory agencies for a strong and uniform program.

10. Two commentors suggested deletion of the requirement for the sediment test on producer milk because it is an unnecessary test having no public health significance. The Department finds that the test does serve a useful purpose in the production of all grades of milk. The test provides the producer with a visual test result which can be used in making corrections to assure the production of clean milk. The deletion of the sediment test requirement would eliminate the incentive for a careless producer to give proper attention to production of clean milk.

11. Two commentors suggested changes in the bacterial estimate classification for milk from producers. Both commentors suggested reducing the probationary period for under-grade milk and one questioned the correlation between the Resazurin test time and a 500,000 per ml. count. One commentor's additional remarks were relative to Grade A and not manufacturing grade milk. The Department feels the probationary period of

four weeks with required weekly testing is practical and restrictive since failure to comply eliminates the producer from any market. No correlation between resazurin test and a 500,000 per ml. count is intended. The individual tests are bacterial estimates and the resazurin test does serve a useful purpose for quality improvement for manufacturing grade milk.

12. Two commentors suggested changing the requirement for age of milk when delivered to the plant from not more than two to not more than three days. With modern methods of farm bulk tanks and transport tankers milk is held at a constant cold temperature which adequately protects the quality. The suggested change was made.

13. Seven commentors suggested changing the bacterial requirement that commingled milk "shall" not exceed three million to "should" not exceed three million. The Department's Requirements for Milk for Manufacturing Purposes Recommended for State Adoption includes the requirement that commingled milk shall not exceed three million bacterial count. Many States have adopted these requirements as laws or regulations and are enforcing them. The Department should do no less than support this requirement in its inspection and grading program offered to plants on a voluntary basis.

14. Six commentors suggested that all product definitions be the same as those established by the Food and Drug Administration (FDA). The FDA identity standards are applicable to all products as suggested. However, the Department has additional requirements for products as may be required for assignment of a U.S. grade. Therefore, some product definitions are more restrictive. However, products not meeting the more restrictive requirements may be inspected and certificates issued on the basis of buyer's or seller's specifications.

15. One commentor suggested that the requirement that high pressure pumps shall comply with the 3-A Sanitary Standards for Homogenizers and Pumps of the Plunger Type be applicable to new installations only. Old style high pressure pumps not complying with the 3-A Standards are difficult to clean and are a potential source of bacterial contamination. The Department contends that sufficient time has been allowed for replacement of this equipment and because of its potential for contamination of product old style high pressure pumps should no longer be acceptable.

16. Two commentors objected to the capacity of bulk bins being limited as directed by the Administrator. The specifications were changed to reflect the intent of the statement which is to provide proper operating practices.

17. Four commentors recommended the oxygen requirement of not more than 2.0 percent for consumer packages of dry whole milk bearing USDA official grade identification be changed to not more than 2.0 percent. The reduction of oxygen content by replacement with an inert gas helps prevent development of oxidized flavor in the milk thus extending shelf life. Available information shows that to maintain quality for a satisfactory shelf life of the product the lower oxygen content is necessary. Therefore, the Department is retaining the requirement at not more than 2.0 percent oxygen in product packed with USDA official identification.

18. One commentor recommended deletion of the requirement for frequency of shipment of milkfat from whey from cheese plants. The Department's experience has shown that more attention is needed in the handling of this product. A limit on age of product when shipped should improve the quality and stability of the product.

19. Four commentors objected to the requirements that the nonfat dry milk used in

making cottage cheese meet the requirements for U.S. Extra Grade, the U.S. Low Heat Classification, the direct microscopic count not exceeding 75 million per gram, and be not more than 6 months old when used. These requirements were moved to the applicable section for product packaged with USDA official identification and appropriate requirements inserted in Section 58.519(b). Nonfat dry milk meeting the U.S. Low Heat Classification is retained as a "should" requirement since it contributes to a more desirable quality cottage cheese.

20. Two commentors objected to listing physical requirements for cottage cheese packaged with USDA official identification. It is the usual practice to use U.S. grade standards as a basis for requirements for products packaged with USDA official identification. Since there are no U.S. grade standards established for cottage cheese it was necessary to establish requirements for the product.

21. One commentor objected to the requirement for a temperature recording device on process cheese cookers since the temperatures used are in excess of those required for pasteurization. The name of the product "Pasteurized Process Cheese," indicates pasteurization. To assure pasteurization in any food product a record of the pasteurization time and temperature is essential. Therefore, the requirement is retained.

22. Six commentors recommended deletion of lactose from coverage by the proposed revision of the General Specifications because they contend it is a carbohydrate and not a dairy product. The Department recognizes the uniqueness of lactose in that it is derived from whey, a by-product of cheese making, and that it should be treated as other nutritive sweeteners. This recommendation has been accepted recognizing lactose to be a food product, and provision has been made for processing and handling in accordance with good manufacturing practices required for similar products. It is necessary to cover lactose in these regulations since its processing and handling are an integral part of dairy plant operations in certain plants that use the voluntary inspection services provided by the Department.

23. Four commentors recommended deletion of the medium acid classification for dry whey and one commentor favored retention of the classification suggesting the term "semi-sweet whey" for this product. The majority of commentors contend that the establishment of a name for the third category for dry whey is unnecessary and would create confusion in marketing. The Department accepts this recommendation and the suggestion that dry whey with titratable acidity between sweet and acid categories be identified as "Dry Whey — percent Titratable Acidity." The four commentors further recommended a maximum 0.16 percent titratable acidity for dry sweet whey and a minimum of 0.30 percent for dry acid whey. The one commentor recommended a maximum of 0.20 percent for dry sweet whey and a minimum of 0.35 percent for dry acid whey. The minimum titratable acidity for dry acid whey was changed from 0.40 percent in the proposed revision to 0.35 percent to more accurately describe this category of dry whey. The maximum 0.16 percent titratable acidity for dry sweet whey was retained since this acidity has been long established for dry sweet whey.

24. Two commentors recommended lowering from 40 percent to 28 or 30 percent the required total solids content for condensed whey, when such whey is transported to another plant for further processing without requiring repasteurization. The long established requirement for 40 percent total solids in condensed whey when transported to another plant for use without repasteurization has provided public health protection and

prevented product quality deterioration. No data was provided to assure the same health and quality protection with the lower total solids. Therefore, the Department has no basis for change.

25. Eight commentors suggested various changes in the supplement covering whey, whey products and lactose. The comments concerned product definitions, equipment and utensils, and operating procedures. The Department considered these comments in rewriting the supplement. The revision embodies sound dairy manufacturing principles for the production of whey and whey products but allows processing flexibility where necessary for technological reasons.

26. Five commentors recommended the inclusion of lactose as a permissible sugar in sweetened condensed milk. The Department accepts this recommendation based on the Food and Drug Administration identity standards for sweetened condensed milk, which provide for the use of suitable nutritive sweeteners.

27. One commentor questioned the Department's intent of defining and including ultra-pasteurized products in the supplement covering evaporated, condensed or ultra-pasteurized products. Ultra-pasteurized is defined as a specific process and is not intended as a classification for dairy products. Fluid milk products have been deleted from these General Specifications and the term dairy products as used herein is defined under definitions.

28. One commentor recommended the inclusion of a test for added water as a requirement for quality and wholesomeness of milk. The General Specifications specify that the Federal Food, Drug and Cosmetic Act shall be complied with. Milk with added water is considered adulterated. Since each State has the regulatory responsibility for assuring that only legal milk is marketed, the Department feels the problem is adequately regulated.

29. A number of commentors suggested editorial changes to improve the clarity or intent of the General Specifications. Also, they questioned the use of certain examples and descriptive detail. Deletions were suggested where other government agencies have regulatory responsibility. Many of these suggestions were helpful to improve clarity or intent of the General Specifications. A number of other suggestions for minor changes which updated references, technological improvements or established practices were acceptable to the Department and changes were made accordingly.

30. One commentor objected to the provision in the definition of dry whey that no ingredients may be added for the purpose of altering the natural acidity. Because of the shortage of rennet, microbial enzymes have been substituted in the manufacture of certain cheeses. The commentor contends that higher heat treatment is required to inactivate microbial enzymes than rennet unless the acidity is lowered by the addition of an acceptable alkali. In addition, the commentor claimed that an active enzyme in dry whey would be objectionable in some uses and the higher heat treatment would tend to denature some of the protein in the product. The Department finds that the problem is limited to enzymes made from specific microbial strains. Other microbial enzymes which are widely accepted and do not have the specific limitation are readily available. Therefore, the Department cannot justify the suggested change.

After consideration of the written comments filed with respect to the notice of proposed rule making and other information available, 7 CFR Part 58, Subpart B is revised as set forth below:

SUBPART B—GENERAL SPECIFICATIONS FOR DAIRY PLANTS APPROVED FOR USDA INSPECTION AND GRADING SERVICE¹

DEFINITIONS

Sec.

58.101 Meaning of words.

PURPOSE

58.122 Approved plants under USDA inspection and grading service.

APPROVED PLANTS

58.123 Survey and approval.

58.124 Denial or suspension of plant approval.

PREMISES, BUILDINGS, FACILITIES, EQUIPMENT AND UTENSILS

58.125 Premises.

58.126 Buildings.

58.127 Facilities.

58.128 Equipment and utensils.

PERSONNEL, CLEANLINESS AND HEALTH

58.129 Cleanliness.

58.130 Health.

PROTECTION AND TRANSPORT OF RAW MILK AND CREAM

58.131 Equipment and facilities.

QUALITY SPECIFICATIONS FOR RAW MILK

58.132 Basis for classification.

58.133 Methods for quality and wholesomeness determination.

58.134 Sediment content.

58.135 Bacterial estimate.

58.136 Rejected milk.

58.137 Excluded milk.

58.138 Quality testing of milk from new producers.

58.139 Record of tests.

58.140 Field service.

58.141 Alternate quality control program.

OPERATIONS AND OPERATING PROCEDURES

58.142 Product quality and stability.

58.143 Raw product storage.

58.144 Pasteurization or Ultra-Pasteurization.

58.145 Composition and wholesomeness.

58.146 Cleaning and sanitizing treatment.

58.147 Insect and rodent control program.

58.148 Plant records.

58.149 Alternate quality control programs for dairy products.

PACKAGING AND GENERAL IDENTIFICATION

58.150 Containers.

58.151 Packaging and repackaging.

58.152 General identification.

STORAGE OF FINISHED PRODUCT

58.153 Dry storage.

58.154 Refrigerated storage.

INSPECTION, GRADING AND OFFICIAL IDENTIFICATION

58.155 Grading.

58.156 Inspection.

58.157 Inspection or grading certificates.

58.158 Official identification.

EXPLANATION OF TERMS

58.159 Terms.

¹ Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, Environmental Protection Act, or applicable laws and regulations of any State or Municipality.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING NONFAT DRY MILK, INSTANT NONFAT DRY MILK, DRY WHOLE MILK, AND DRY BUTTERMILK

DEFINITIONS

- Sec.
58.205 Meaning of words.
- ROOMS AND COMPARTMENTS
- 58.210 Dry storage of product.
58.211 Packaging room for bulk products.
58.212 Hopper or dump room.
58.213 Repackaging room.
- EQUIPMENT AND UTENSILS
- 58.214 General construction, repair and installation.
58.215 Pre-heaters.
58.216 Hotwells.
58.217 Evaporators and/or vacuum pans.
58.218 Surge tanks.
58.219 High pressure pumps and lines.
58.220 Drying systems.
58.221 Collectors and conveyors.
58.222 Dry dairy product cooling equipment.
58.223 Special treatment equipment.
58.224 Sifters.
58.225 Clothing and shoe covers.
58.226 Portable and stationary bulk bins.
58.227 Sampling device.
58.228 Dump-hoppers, screens, mixers and conveyors.
58.229 Filler and packaging equipment.
58.230 Heavy duty vacuum cleaners.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

- 58.231 General.
58.232 Milk.
58.233 Skim milk.
58.234 Buttermilk.
58.235 Modified dry milk products.

OPERATIONS AND OPERATING PROCEDURES

- 58.236 Pasteurization and heat treatment.
58.237 Condensed surge supply.
58.238 Condensed storage tanks.
58.239 Drying.
58.240 Cooling dry products.
58.241 Packaging, repackaging and storage.
58.242 Product adulteration.
58.243 Checking quality.
58.244 Number of samples.
58.245 Method of official sample analysis.
58.246 Cleaning of dryers, collectors, conveyor ducts, sifters and storage bins.
58.247 Insect and rodent control program.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

- 58.248 Nonfat dry milk.
58.249 Instant nonfat dry milk.
58.250 Dry whole milk.
58.251 Dry buttermilk.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

DEFINITIONS

- 58.305 Meaning of words.
- ROOMS AND COMPARTMENTS
- 58.311 Coolers and freezers.
58.312 Churn rooms.
58.313 Print and bulk packaging rooms.
- EQUIPMENT AND UTENSILS
- 58.314 General construction, repair, and installation.
58.315 Continuous churns.
58.316 Conventional churns.
58.317 Bulk butter trucks, boats, texturizers, and packers.

- Sec.
58.318 Butter, frozen or plastic cream melting machines.
58.319 Printing equipment.
58.320 Brine tanks.
58.321 Cream storage tanks.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

- 58.322 Cream.
58.323 Whipped butter.
58.324 Butteroil.
58.325 Anhydrous milkfat.
58.326 Plastic cream.
58.327 Frozen cream.
58.328 Salt.
58.329 Color.
58.330 Butter starter cultures.
58.331 Starter distillates.

OPERATIONS AND OPERATING PROCEDURES

- 58.332 Segregation of raw material.
58.334 Pasteurization.
58.335 Quality control tests.
58.336 Frequency of sampling for quality control of cream, butter and related products.
58.337 Official test methods.
58.338 Composition and wholesomeness.
58.339 Containers.
58.340 Printing and packaging.
58.341 Repackaging.
58.342 General identification.
58.343 Storage of finished product in coolers.
58.344 Storage of finished product in freezer.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

- 58.345 Butter.
58.346 Whipped butter.
58.347 Butteroil or anhydrous milkfat.
58.348 Plastic cream.
58.349 Frozen cream.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING CHEESE

DEFINITIONS

- 58.405 Meaning of words.
- ROOMS AND COMPARTMENTS
- 58.406 Starter facility.
58.407 Make room.
58.408 Brine room.
58.409 Drying room.
58.410 Paraffining room.
58.411 Rindless cheese wrapping area.
58.412 Coolers or curing rooms.
58.413 Cutting and packaging rooms.

EQUIPMENT AND UTENSILS

- 58.414 General construction, repair and installation.
58.415 Starter vats.
58.416 Cheese vats, tanks, and drain tables.
58.417 Mechanical agitators.
58.418 Automatic cheese making equipment.
58.419 Curd mill and miscellaneous equipment.
58.420 Hoops, forms and followers.
58.421 Press.
58.422 Brine tank.
58.423 Cheese vacuumizing chamber.
58.424 Monorail.
58.425 Conveyor for moving and draining block or barrel cheese.
58.426 Rindless cheese wrapping equipment.
58.427 Paraffin tanks.
58.428 Specialty equipment.
58.429 Washing machine.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

- 58.430 Milk.
58.431 Hydrogen peroxide.
58.432 Catalase.

- Sec.
58.433 Cheese cultures.
58.434 Calcium chloride.
58.435 Color.
58.436 Rennet, pepsin, or other milk clotting enzymes and flavor enzymes.
58.437 Salt.

OPERATION AND OPERATING PROCEDURES

- 58.438 Cheese from pasteurized milk.
58.439 Cheese from unpasteurized milk.
58.440 Make schedule.
58.441 Records.
58.442 Laboratory and quality control tests.
58.443 Whey handling.
58.444 Packaging and repackaging.
58.445 General identification.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

- 58.446 Quality requirements.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

DEFINITIONS

- 58.505 Meaning of words.
- ROOMS AND COMPARTMENTS
- 58.510 Rooms and compartments.
- EQUIPMENT AND UTENSILS
- 58.511 General construction, repair and installation.
58.512 Cheese vats or tanks.
58.513 Agitators.
58.514 Container fillers.
58.515 Mixers.
58.516 Starter vats.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

- 58.517 General.
58.518 Milk.
58.519 Dairy products.
58.520 Non dairy ingredients.

OPERATIONS AND OPERATING PROCEDURES

- 58.521 Pasteurization and product flow.
58.522 Reconstituting nonfat dry milk.
58.523 Laboratory and quality control tests.
58.524 Packaging and general identification.
58.525 Storage of finished product.

REQUIREMENTS FOR COTTAGE CHEESE BEARING USDA OFFICIAL IDENTIFICATION

- 58.526 Official identification.
58.527 Physical requirements.
58.528 Microbiological requirements.
58.529 Chemical requirements.
58.530 Keeping quality requirements.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING FROZEN DESSERTS

DEFINITIONS

- 58.605 Meaning of words.
- ROOMS AND COMPARTMENTS
- 58.619 Mix processing room.
58.620 Freezing and packaging rooms.
58.621 Freezing tunnels.
58.622 Hardening and storage rooms.

EQUIPMENT AND UTENSILS

- 58.623 Homogenizer.
58.624 Freezers.
58.625 Fruit or syrup feeders.
58.626 Packaging equipment.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

- 58.627 Milk and dairy products.
58.628 Sweetening agents.
58.629 Flavoring agents.
58.630 Stabilizers.
58.631 Emulsifiers.
58.632 Acid.
58.633 Color.

OPERATIONS AND OPERATING PROCEDURES

- Sec.
58.634 Assembling and combining mix ingredients.
58.635 Pasteurization of the mix.
58.636 Homogenization.
58.637 Cooling the mix.
58.638 Freezing the mix.
58.639 Addition of flavor.
58.640 Packaging.
58.641 Hardening and storage.
58.642 Quality control tests.
58.643 Frequency of sampling.
58.644 Test methods.
58.645 General identification.
58.646 Official identification.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

- 58.647 Composition requirements for ice cream.
58.648 Microbiological requirements for ice cream.
58.649 Physical requirements for ice cream.
58.650 Requirements for frozen custard.
58.651 Requirements for ice milk.
58.652 Composition requirements for sherbet.
58.653 Microbiological requirements for sherbet.
58.654 Physical requirements for sherbet.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

- 58.705 Meaning of Words.
EQUIPMENT AND UTENSILS
58.706 General construction, repair and installation.
58.707 Conveyors.
58.708 Grinders or shredders.
58.709 Cookers.
58.710 Fillers.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

- 58.711 Cheddar, colby, washed or soaked curd, granular or stirred curd cheese.
58.712 Swiss.
58.713 Gruyere.
58.714 Cream cheese, Neufchatel cheese.
58.715 Cream, plastic cream, and anhydrous milkfat.
58.716 Nonfat dry milk.
58.717 Whey.
58.718 Flavor ingredients.
58.719 Coloring.
58.720 Acidifying agents.
58.721 Salt.
58.722 Emulsifying agents.

OPERATION AND OPERATING PROCEDURES

- 58.723 Basis for selecting cheese for processing.
58.724 Blending.
58.725 Trimming and cleaning.
58.726 Cutting and grinding.
58.727 Adding optional ingredients.
58.728 Cooking the batch.
58.729 Forming containers.
58.730 Filling containers.
58.731 Closing and sealing containers.
58.732 Cooling the packaged cheese.
58.733 Quality control tests.

REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

- 58.734 Official identification.
58.735 Quality specifications for raw materials.
58.736 Pasteurized process cheese.
58.737 Pasteurized process cheese food.
58.738 Pasteurized process cheese spread and related products.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING WHEY, WHEY PRODUCTS AND LACTOSE

DEFINITIONS

- Sec.
58.805 Meaning of words.
ROOMS AND COMPARTMENTS
58.806 General.
EQUIPMENT AND UTENSILS
58.807 General construction, repair and installation.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

- 58.808 Whey.

OPERATIONS AND OPERATING PROCEDURES

- 58.809 Pasteurization.
58.810 Temperature requirements.
58.811 General.
58.812 Methods of official sample analysis.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

- 58.813 Dry whey.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING EVAPORATED, AND CONDENSED MILK OR ULTRA-PASTEURIZED DAIRY PRODUCTS

DEFINITIONS

- 58.905 Meaning of words.
EQUIPMENT AND UTENSILS
58.912 General construction, repair and installation.
58.913 Evaporators and vacuum pans.
58.914 Fillers.
58.915 Batch or continuous in-container thermal processing equipment.
58.916 Homogenizer.

OPERATIONS AND OPERATING PROCEDURES

- 58.917 General.
58.918 Standardization.
58.919 Pre-heat, pasteurization.
58.920 Homogenization.
58.921 Concentration.
58.922 Thermal processing.
58.923 Filling containers.
58.924 Aseptic filling.
58.925 Sweetened condensed.
58.926 Heat stability.
58.927 Storage.
58.928 Quality control tests.
58.929 Frequency of sampling for quality control.
58.930 Official test methods.
58.931 General identification.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

- 58.932 Milk.
58.933 Stabilizers.
58.934 Sugars.
58.935 Chocolate and cocoa.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

- 58.936 Milk.
58.937 Physical requirements for evaporated milk.
58.938 Physical requirements and microbiological limits for sweetened condensed milk.

Subpart B—Several Specifications for Dairy Plants Approved for USDA Inspection and Grading Service.

DEFINITIONS

- § 58.101 Meaning of words.
For the purpose of the regulations of this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Act*. The applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; (7 U.S.C. 1621-1627)), or any other Act of Congress conferring like authority.

(b) *Administrator*. The Administrator of the Agricultural Marketing Service or any other officer or employee of the Agricultural Marketing Service of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(c) *Approved laboratory*. A laboratory in which the facilities and equipment used for official testing have been approved by the Administrator as being adequate to perform the necessary official tests in accordance with this part, and operates under a USDA surveillance program as set forth by the Administrator.

(d) *Approved plant*. One or more adjacent buildings, or parts thereof, comprising a single plant at one location in which the facilities and methods of operation therein have been surveyed and approved by the Administrator as suitable and adequate for inspection or grading service in accordance with the following:

(1) Shall satisfactorily meet the specifications of this subpart as determined by the Administrator.

(2) Receive dairy products only from plants, transfer stations, receiving stations and cream buying stations which satisfactorily comply with the applicable requirements of this subpart as determined by the Administrator. (Occasional shipments may be received from non-approved plants provided the product is tested and meets the quality requirements for No. 2 milk.)

(e) *Sanitizing treatment*. Subjection of a clean product contact surface to steam, hot water, hot air, or an acceptable sanitizing solution of sufficient strength, and for a duration of time to effectively destroy microorganisms. Sanitizing solutions shall comply with 21 CFR 121.2547.

(f) *Resident service*. Inspection or grading service performed at a dairy manufacturing plant or grading station by an inspector or grader assigned to the plant or station on a continuous basis.

(g) *Dairy products*. Butter, cheese (whether natural or processed), skim milk, cream, whey or buttermilk (whether dry, evaporated, stabilized or condensed), frozen desserts and any other food product which is prepared or manufactured in whole or in part from any of the aforesaid products, as the Administrator may hereafter designate.

(h) *Grader*. Any employee of the Department authorized by the Administrator or any other person to whom a license has been issued by the Administrator to investigate and certify, in accordance with the Act and this part, to shippers of products and other interested parties, the class, quality, quantity, and condition of such products.

(i) *Inspector*. Any employee of the Department authorized by the Administrator or any other person to whom a license has been issued by the Admin-

istrator to inspect and certify quality, quantity and condition of products, observe the manufacturing, processing, packaging and handling of dairy products, and to perform dairy plant surveys in accordance with the regulations of this part.

(j) *Inspection or grading service.* Means in accordance with this part, the act of (1) drawing samples of any product; (2) determining the class, grade, quality, composition, size, quantity, condition, or wholesomeness of any product by examining each unit or representative samples; (3) determining condition of product containers; (4) identifying any product or packaging material by means of official identification; (5) regrading or appeal grading of a previously graded product; (6) inspecting dairy plant facilities, equipment, and operations; such as, processing, manufacturing, packaging, repackaging, and quality control; (7) supervision of packaging inspected or graded product; (8) reinspection or appeal inspection; and (9) issuing an inspection or grading certificate or sampling, inspection, or other report related to any of the foregoing.

(k) *Milk.* The whole lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows located in modified accredited areas and modified certified areas or from cows in herds fully accredited as tuberculosis-free and certified brucellosis-free by the United States Department of Agriculture or in the process of being accredited.

(l) *Official identification.* Official identification is provided for use on product packed under USDA inspection. Any package label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe, and such official identification shall be of such form and contain such information as the Administrator may require.

(m) *Official methods.* Official Methods of Analysis of the Association of Official Analytical Chemists, a publication of the Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

(n) *Pasteurization (Pasteurized).* Pasteurization shall mean that every particle of product shall have been heated in properly operated equipment to one of the temperatures specified in the table and held continuously at or above that temperature for at least the specified time (or other time/temperature relationship equivalent thereto in microbial destruction):

FLUID PRODUCTS	
Temperature:	Time
145° F (vat pasteurization).	30 minutes.
161° F (high temperature short time pasteurization).	15 seconds.
191° F (higher heat shorter time pasteurization).	1.0 second.
194° F (higher heat shorter time pasteurization).	0.5 second.
201° F (higher heat shorter time pasteurization).	0.1 second.
204° F (higher heat shorter time pasteurization).	.05 second.
212° F (higher heat shorter time pasteurization).	.01 second.

PRODUCTS HAVING DAIRY INGREDIENTS WITH A FAT CONTENT OF 10 PERCENT OR MORE, OR CONTAIN ADDED SWEETENERS

150° F	30 minutes.
166° F	15 seconds.

FROZEN DESSERT MIX

155° F	30 minutes.
175° F	25 seconds.

CONDENSED MILK TO BE REPASTEURIZED

166° F	15 seconds.
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(o) *Plant survey.* An appraisal of a plant to determine the extent to which facilities, equipment, method of operation, and raw material being received are in accordance with the provisions of this part. The survey shall be used to determine suitability of the plant for USDA inspection or grading service.

(p) *Plant status.* The extent to which a plant complies with this subpart shall be determined under procedures as set forth by the Administrator.

(q) *Producer.* The person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station and who receive payment for this product.

(r) *Quality control.* The inspection of the quality of the raw material and the conditions relative to the preparation of the product from its raw state through each step in the entire process. It includes the inspection of conditions under which the product is prepared, processed, manufactured, packed and stored. In addition, assistance and guidance is offered to improve the raw milk quality, processing methods, quality, stability, and packaging and handling of the finished product.

(s) *Regulations.* The term "regulations" means the provisions contained in this part.

(t) *Shall.* Expresses a provision that is mandatory.

(u) *Should.* Expresses recommended nonmandatory provisions which when followed would significantly aid in a quality improvement program.

(v) *Standard methods.* Standard Methods for the Examination of Dairy Products, a publication of the American Public Health Association, 1790 Broadway, New York, New York.

(w) *3-A Sanitary Standards and Accepted Practice.* The latest standards for dairy equipment and accepted practices formulated by the 3-A Sanitary Standards Committees representing the International Association of Milk, Food and Environmental Sanitarians, the Food and Drug Administration and the Dairy Industry Committee. Published by the International Association of Milk, Food and Environmental Sanitarians, Box 701, Ames, Iowa.

(x) *"USDA" or "Department".* Means the United States Department of Agriculture.

(y) *Receiving Station.* Any place, premise, or establishment where milk or dairy products are received, collected or handled for transfer to a processing or manufacturing plant.

(z) *Transfer station.* Any place, premise, or establishment where milk or

dairy products are transferred directly from one transport tank to another.

(aa) *Corrosion-resistant.* Those materials that maintain their original surface characteristics under prolonged influence of the product to be contacted, cleaning compounds and sanitizing solutions, and other conditions of the environment in which used.

PURPOSE

§ 58.122 Approved Plants under USDA inspection and grading service.

(a) Adoption of certain sound practices at dairy plants will significantly aid the operators to manufacture more consistently, uniform high-quality stable dairy products. Only dairy products manufactured, processed and packaged in an approved plant may be graded or inspected and identified with official identification. The specifications established herein provide the basis for a quality maintenance program which may be effectively carried forward through official inspection, grading, and quality control service.

(b) USDA inspection and grading service is provided to dairy product manufacturing plants on a voluntary basis. The operator of any dairy plant desiring to have such a plant qualified as an approved plant under USDA inspection and grading service may request surveys of such plant, premises, equipment, facilities, methods of operation, and raw material to determine whether they are adequate to permit inspection and grading service. The cost of this survey shall be borne by the applicant.

APPROVED PLANTS

§ 58.123 Survey and approval.

Prior to the approval of a plant, a designated representative of the Administrator shall make a survey of the plant, premises, storage facilities, equipment and raw material, volume of raw material processed daily, and facilities for handling the products at the plant. The survey shall be made at least twice a year to determine whether the facilities, equipment, method of operation, and raw material being received are adequate and suitable for USDA inspection and grading service in accordance with the provisions of this part. To be eligible for approval a plant shall satisfactorily meet the specifications of this subpart as determined by the Administrator.

§ 58.124 Denial or suspension of plant approval.

Plant approval may be denied or suspended if a determination is made by a designated representative of the Administrator that the plant is not performing satisfactorily in regard to: (a) the classification of milk, (b) proper segregation and disposal of unwholesome raw materials or finished product, (c) adequate facilities and condition of processing equipment, (d) sanitary conditions of plant and equipment, (e) control of insects, rodents and other vermin, (f) use of non-toxic product contact surfaces and prevention of adulteration of raw materials and products with chemicals or other foreign material, (g) proper

operating procedures, (h) the maintenance of legal composition of finished products, (i) the manufacture of stable dairy products, of desirable keeping quality characteristics, (j) proper storage conditions for ingredients and dairy products, or (k) suitable and effective packaging methods and material.

PREMISES, BUILDINGS, FACILITIES, EQUIPMENT AND UTENSILS

§ 58.125 Premises.

(a) The premises shall be kept in a clean and orderly condition, and shall be free from strong or foul odors, smoke, or excessive air pollution. Construction and maintenance of driveways and adjacent plant traffic areas should be of cement, asphalt, or similar material to keep dust and mud to a minimum.

(b) *Surroundings.* The immediate surroundings shall be free from refuse, rubbish, overgrown vegetation, and waste materials to prevent harborage of rodents, insects and other vermin.

(c) *Drainage.* A suitable drainage system shall be provided which will allow rapid drainage of all water from plant buildings and driveways, including surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent an environmental or health hazard.

§ 58.126 Buildings.

The building or buildings shall be of sound construction and shall be kept in good repair to prevent the entrance or harboring of rodents, birds, insects, vermin, dogs, and cats. All service pipe openings through outside walls shall be effectively sealed around the opening or provided with tight metal collars.

(a) *Outside doors, windows, openings, etc.* All openings to the outer air including doors, windows, skylights and transoms shall be effectively protected or screened against the entrance of flies and other insects, rodents, birds, dust and dirt. All outside doors opening into processing rooms shall be in good condition and fit properly. All hinged, outside screen doors shall open outward. All doors and windows should be kept clean and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected to prevent the entrance of flies and rodents, by the use of doors, screens, flaps, fans or tunnels. Outside openings for sanitary pipelines shall be covered when not in use. On new construction window sills should be slanted downward at approximately a 45° angle.

(b) *Walls, ceilings, partitions and posts.* The walls, ceilings, partitions, and posts of rooms in which milk, or dairy products are processed, manufactured, handled, packaged or stored (except dry storage of packaged finished products and supplies) or in which utensils are washed and stored, shall be smoothly finished with a suitable material of light color, which is substantially impervious to moisture and kept clean. They shall be refinished as often as necessary to maintain a neat, clean surface. For easier cleaning new construction should have rounded cove at the juncture

of the wall and floor in all receiving, pasteurizing, manufacturing, packaging and storage rooms.

(c) *Floors.* The floors of all rooms in which milk, or dairy products are processed, manufactured, packaged or stored or in which utensils are washed shall be constructed of tile properly laid with impervious joint material, concrete, or other equally impervious material. The floors shall be smooth, kept in good repair, graded so that there will be no pools of standing water or milk products after flushing, and all openings to the drains shall be equipped with traps properly constructed and kept in good repair. On new construction, bell and standpipe type traps shall not be used. The plumbing shall be so installed as to prevent the back-up of sewage into the drain lines and to the floor of the plant. Cold storage rooms used for storage of product and starter rooms need not be provided with floor drains if the floor is sloped to drain to an exit.

Sound, smooth, wood floors which can be kept clean, may be used in rooms where new containers and supplies and certain packaged finished products are stored.

(d) *Lighting and ventilation.* (1) Light shall be ample, natural or artificial, or both, of good quality and well distributed. All rooms in which dairy products are manufactured or packaged or where utensils are washed shall have at least 30 foot-candles of light intensity on all working surfaces. Rooms where dairy products are graded or examined for condition and quality shall have at least 50 foot-candles of light intensity on the working surface. Restrooms and locker rooms should have at least 30 foot-candles of light intensity. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor. Where contamination of product by broken glass is possible, light bulbs and fluorescent tubes shall be protected against breakage.

(2) There shall be adequate heating, ventilation or air conditioning for all rooms and compartments to permit maintenance of sanitary conditions. Exhaust or inlet fans, vents, hoods or temperature and humidity control equipment shall be provided where and when needed, to minimize or control room temperatures, eliminate objectionable odors, and aid in prevention of moisture condensation and mold. Inlet fans should be provided with an adequate air filtering device to eliminate dirt and dust from the incoming air. Ventilation systems shall be cleaned periodically as needed and maintained in good repair. Exhaust outlets shall be screened or provided with self closing louvers to prevent the entrance of insects when not in use.

(e) *Rooms and compartments.* Rooms and compartments in which any raw material, packaging, ingredient supplies or dairy products are handled, manufactured, packaged or stored shall be so designed, constructed and maintained as to assure desirable room temperatures and clean and orderly operating conditions free from objectionable odors and

vapors. Enclosed bulk milk receiving rooms, when present, shall be separated from the processing rooms by a wall. Rooms for receiving can milk shall be separated from the processing rooms by a partition or by suitable arrangement of equipment. Processing rooms shall be kept free from equipment and materials not regularly used.

(1) *Coolers and freezers.* Coolers and freezers where dairy products are stored shall be clean, reasonably dry and maintained at the proper uniform temperature and humidity to adequately protect the product, and minimize the growth of mold. Adequate circulation of air shall be maintained at all times. They shall be free from rodents, insects, and pests. Shelves shall be kept clean and dry. Refrigeration units shall have provisions for collecting and disposing of condensate.

(2) *Supply room.* The supply rooms or areas used for the storing of packaging materials; containers, and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents, and mold, and maintained in good repair. Such items stored therein shall be adequately protected from dust, dirt, or other extraneous material and so arranged on racks, shelves or pallets to permit access to the supplies and cleaning and inspection of the room. Insecticides, rodenticides, cleaning compounds and other nonfood products shall be properly labeled and segregated, and stored in a separate room or cabinet away from milk, dairy products, ingredients or packaging supplies.

(3) *Boiler rooms, shop rooms and shop areas.* The boiler, and shop rooms shall be separated from other rooms where milk, and dairy products are processed, manufactured, packaged, handled or stored. Shop rooms or areas should be kept orderly and reasonably free from dust and dirt.

(4) *Toilet and dressing rooms.* Adequate toilet and dressing room facilities shall be conveniently located.—(a) Toilet rooms shall not open directly into any room in which milk or dairy products are processed, manufactured, packaged or stored; doors shall be self closing; ventilation shall be provided by mechanical means to the outer air; fixtures shall be kept clean and in good repair. (b) All employees shall be furnished with a locker or other suitable facility and the lockers and dressing rooms shall be kept clean and orderly. Adequate hand-washing facilities shall be provided. Legible signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(5) *Laboratory.* (i) Consistent with the size and type of plant and the volume of dairy products manufactured, an adequately equipped laboratory shall be maintained and properly staffed with qualified and trained personnel for quality control and analytical testing. The laboratory should be located reasonably close to the processing activity and be of sufficient size to perform tests necessary in evaluating the quality of raw and finished products.

(ii) Approved laboratories shall be supervised by the USDA resident inspector in all aspects of official testing and reporting results. Plant laboratory personnel in such plants may be licensed by the USDA to perform official duties.

(iii) An approved central control laboratory serving more than one plant may be acceptable, if conveniently located to the dairy plants, and if samples and results can be transmitted without undue delay.

(6) *Starter facilities.* Adequate facilities shall be provided for the handling of starter cultures. The facilities shall not be located near areas where contamination is likely to occur.

(7) *Grading and inspection room.* When grading or inspection of product is performed the plants shall furnish a room or designated area specifically for this purpose. The room or area shall be suitably located, sufficient in size, well lighted (see 58.126d), ventilated and the temperature shall be not less than 60° F. It shall be kept clean and dry, free from foreign odors and reasonably free from disturbing elements which would interfere with proper concentration by the grader or inspector. The grading or inspection room or area shall be equipped with a table or desk and convenient facilities for washing hands.

(8) *Resident inspector's facilities.* In resident plants, an office or space shall be provided for official purposes. The room or space should be conveniently located in or near the approved laboratory, adequate in size, and equipped with desk and a lockable storage supply cabinet, and clothes locker. It shall be well lighted, ventilated or air conditioned, and heated. Custodial service shall be furnished on a regular basis.

(9) *Lunch rooms and eating areas.* When these areas are provided, they (a) shall be kept clean and orderly, (b) should not open directly into any room in which milk or dairy products are processed, manufactured or packaged, and (c) signs shall be posted directing employees to wash their hands before returning to work.

§ 58.127 Facilities.

(a) *Water supply.* There shall be an ample supply of both hot and cold water of safe and sanitary quality, with adequate facilities for its proper distribution throughout the plant, and protected against contamination. Water from other facilities, when officially approved, may be used for boiler feed water and condenser water provided that such water lines are completely separated from the water lines carrying the sanitary water supply, and the equipment is so constructed and controlled as to preclude contamination of product contact surfaces. There shall be no cross connection between potable water lines and non-potable water lines or between public and private water supplies. Bacteriological examinations shall be made of the plant's sanitary water supply taken at the plant at least twice a year, or as often as necessary to determine safety and suitability as related to product keeping quality for use in manufac-

ucts keeping quality for use in manuf- made by a USDA or State agency laboratory except for supplies that are regularly tested for purity and bacteriological quality, and approved by the local health officer. The results of all water tests shall be kept on file at the plant for which the test was performed.

The location, construction, and operation of any well shall comply with regulations of the appropriate agency.

(b) *Drinking-water facilities.* Drinking-water facilities of a sanitary type shall be provided in the plant and should be conveniently located.

(c) *Hand-washing facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap or other detergents, and sanitary single service towels or air driers. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Vats for washing equipment or utensils shall not be used as hand-washing facilities. Containers shall be provided for used towels and other wastes. The containers may be metal or plastic, disposable or reusable and should have self-closing covers.

(d) *Steam.* Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Culinary steam used in direct contact with milk or dairy products shall be free from harmful substances or extraneous material and only those boiler water additives which meet the requirements of 21 CFR 121.1088 shall be used, or a secondary steam generator shall be used in which soft water is converted to steam and no boiler compounds are used. Steam traps, strainers and condensate traps shall be used wherever applicable to insure a satisfactory and safe steam supply. Culinary steam shall comply with the recommended practices for "Producing Culinary Steam for Processing Milk and Milk Products" as published by the National Association of Food and Dairy Equipment Manufacturers, Washington, D.C., April 1963 or latest revision thereof.

(e) *Air under pressure.* The method for supplying air under pressure, which comes in contact with milk or dairy products or any product contact surface shall comply with the 3-A Accepted Practices for Supplying Air Under Pressure.

(f) *Disposal of wastes.* Dairy wastes shall be properly disposed of from the plant and premises consistent with requirements imposed by the Environmental Protection Act. The sewer system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Where a public sewer is not available, all wastes shall be properly disposed of so as not to contaminate milk equipment or to create a nuisance or public health hazard. Containers used for the collection and holding of wastes shall be constructed of metal, plastic, or other equally impervious material and kept covered with

tight fitting lids. Waste shall be stored in an area or room in a manner to protect it from flies and vermin. Solid wastes shall be disposed of regularly and the containers cleaned before re-use. Accumulation of dry waste paper and cardboard shall be kept to a minimum and disposed of in a manner that is environmentally acceptable.

§ 58.128 Equipment and utensils.

(a) *General construction, repair and installation.*—The equipment and utensils used for the processing of milk and manufacture of dairy products shall be constructed to be readily demountable where necessary for cleaning and sanitizing. The product contact surfaces of all utensils and equipment such as holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping and fittings or any specialized equipment shall be constructed of stainless steel, or other materials which under conditions of intended use are as equally corrosion resistant. Non-metallic parts other than glass having product contact surfaces shall comply with 3-A Sanitary Standards for Plastic or Rubber and Rubber-Like Materials. Equipment and utensils used for cleaning shall be in an acceptable condition, such as not rusty, pitted or corroded. All equipment and piping shall be designed and installed so as to be easily accessible for cleaning, and shall be kept in good repair, free from cracks and corroded surfaces. New or rearranged equipment, shall be set away from any wall or spaced in such a manner as to facilitate proper cleaning and to maintain good housekeeping. All parts or interior surfaces of equipment, pipes (except certain piping cleaned-in-place) or fittings, including valves and connections shall be accessible for inspection. Milk and dairy product pumps shall be of a sanitary type and easily dismantled for cleaning or shall be of specially approved construction to allow effective cleaning in place.

All C.I.P. systems shall comply with the 3-A Accepted Practices for Permanently Installed Sanitary Product, Pipelines and Cleaning Systems.

(b) *Weigh cans and receiving tanks.* Weigh cans and receiving tanks shall comply with the 3-A Sanitary Standards for Weigh Cans and Receiving Tanks for Raw Milk and shall be easily accessible for cleaning both inside and outside and shall be elevated above the floor and protected sufficiently with the necessary covers or baffles to prevent contamination from splash, condensate and drip-pipe. Where necessary to provide easy access for cleaning of floors and adjacent wall areas, the receiving tank shall be equipped with wheels or casters to allow easy removal.

(c) *Can washers.* Can washers shall have sufficient capacity and ability to discharge a clean dry can and cover and shall be kept properly timed in accordance with the instructions of the manufacturer. They should be equipped with proper temperature controls on the wash and rinse tanks and the following additional devices: prerinse jet, wash tank solution feeder, can sanitizing attach-

ment, forced air vapor exhaust, and removable air filter on drying chamber. The water and steam lines supplying the washer shall maintain a reasonably uniform pressure and if necessary be equipped with pressure regulating valves. The steam pressure to the can washer should be not less than 80 pounds, and the temperature of the wash and final rinse solution should be automatically controlled and not exceed 140° F.

(d) *Product storage tanks or vats.* Storage tanks or vats shall be fully enclosed or tightly covered and well insulated. The entire interior surface, agitator and all appurtenances shall be accessible for thorough cleaning and inspection. Any opening at the top of the tank or vat including the entrance of the shaft shall be suitably protected against the entrance of dust, moisture, insects, oil or grease. The sight glasses, if used, shall be sound, clear, and in good repair. Vats which have hinged covers shall be easily cleaned and shall be so designed that moisture, or dust on the surface cannot enter the vat when the covers are raised. If the storage tanks or vats are equipped with air agitation, the system shall be of an approved type and properly installed in accordance with the 3-A Accepted Practices for Supplying Air Under Pressure. Storage tanks or vats intended to hold product for longer than approximately 8 hours shall be equipped with adequate refrigeration and/or have adequate insulation. New or replacement storage tanks or vats shall comply with the appropriate 3-A Sanitary Standards for Storage Tanks for Milk and Milk Products or Sanitary Standards for Silo-Type Storage Tanks for Milk and Milk Products and shall be equipped with thermometers in good operating order.

(e) *Separators.* All product contact surfaces of separators shall be free from rust and pits and insofar as practicable shall be of stainless steel or other equally noncorrosive metals.

(f) *Coil or dome type batch pasteurizers.* Coil or dome type batch pasteurizers shall be stainless steel lined and if the coil is not stainless steel or other equally noncorrosive metal it shall be properly tinned over the entire surface. Sanitary seal assemblies at the shaft ends of coil vats shall be of the removable type, except that existing equipment not provided with this type gland will be acceptable if the packing glands are maintained and operated without adverse effects. New or replacement units shall be provided with removable packing glands. Dome type pasteurizer agitators shall be stainless steel except that any non-metallic parts shall comply with 3-A Sanitary Standards for Plastic or Rubber and Rubberlike Materials, as applicable. Each pasteurizer used for heating product at a temperature of 5° F. or more above the minimum pasteurization temperature need not have the air-space heater. It shall be equipped with an air-space thermometer to insure a temperature at least 5° F. above that required for pasteurization of the product. There shall be adequate means of controlling the temperature of the heating

medium. Batch pasteurizers shall have temperature indicating and recording devices.

(g) *Short time pasteurizing systems.* When pasteurization is intended or required, an approved timing pump or device, recorder-controller, automatic flow diversion valve and holding tube or its equivalent, if not a part of the existing equipment, shall be installed on all such equipment used for pasteurization, to assure complete pasteurization. The entire facility shall comply with the 3-A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High Temperature Short Time Pasteurizers. After the unit has been tested according to the 3-A Accepted Practices, the timing pump or device and the recorder controller shall be sealed at the correct setting to assure pasteurization. The system should be rechecked semi-annually to assure continued compliance with the 3-A Accepted Practices. Sealing and rechecking of the unit shall be performed by the control authority having jurisdiction. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and a steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.

(h) *Thermometers and recorders.* (1) *Indicating thermometers.* (i) Long stem indicating thermometers which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be provided for checking the temperature of pasteurization and cooling of products in vats and checking the accuracy of recording thermometers.

(ii) Short stem indicating thermometers, which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be installed in the proper stationary position in all pasteurizers. Storage tanks where temperature readings are required shall have thermometers which are accurate within 2.0° F., plus or minus.

(iii) Air space indicating thermometers, where applicable, which are accurate within 1.0° F., plus or minus, for the proper temperature range shall also be installed above the surface of the products pasteurized in vats, to make certain that the temperature of the foam and/or air above the products pasteurized also received the required minimum temperature treatment.

(2) *Recording thermometers.* (i) Recording thermometers that are accurate within 1° F., plus or minus, for the applicable temperature range, shall be used on each heat treating, pasteurizing or thermal processing unit to record the heating process.

(ii) Additional use of recording thermometers accurate within 2° F., plus or minus may be required where a record of temperature or time of cooling and holding is of significant importance.

(iii) Recorder charts shall be marked to show date and plant identification, reading of the indicating thermometer at a particular referenced reading point

on the recording chart, amount and name of product, product temperature at which the "cut-in" and "cut-out" function, record of the period in which flow diversion valve is in forward-flow position, signature or initials of operator.

(i) *Surface coolers.* Surface coolers shall be equipped with hinged or removable covers for the protection of the product. The edges of the fins shall be so designed as to divert condensate on non-product contact surfaces away from product contact surfaces. All gaskets or swivel connections shall be leak proof.

(j) *Plate type heat exchangers.* Plate type heat exchanger shall comply with the 3-A Sanitary Standards Plate Type Heat Exchangers for Milk and Milk Products. All gaskets shall be tight and kept in good operating order. Plates shall be opened for inspection by the operator at sufficiently frequent intervals to determine if the equipment is clean and in satisfactory condition. A cleaning regimen should be posted to insure proper cleaning procedures between inspection periods.

(k) *Internal return tubular heat exchangers.* Internal return tubular heat exchangers shall comply with the 3-A Sanitary Standards for Internal Return Tubular Heat Exchangers for Use with Milk and Milk Products.

(l) *Pumps.* Pumps used for milk, and dairy products shall be of the sanitary type and constructed to comply with 3-A Sanitary Standards for Pumps for Milk and Milk Products. Unless pumps are specifically designed for effective cleaning-in-place they shall be disassembled and thoroughly cleaned after use.

(m) *Scales.* All scales shall comply with National Bureau of Standards Handbook 44. (Latest revision).

(1) Small capacity scales shall be capable of the following accuracy, and shall be graduated in no higher than one ounce graduations. (This table taken from the presently effective 1973 revision.)

Load in pounds:	Minimum tolerance	
	Ounces	Pounds
0 to 4 inclusive.....	1/4	0.002
5 to 10 inclusive.....	1/2	.004
11 to 20 inclusive.....	1/2	.008
21 to 30 inclusive.....	1/2	.012
31 to 50 inclusive.....	1/2	.020
51 to 500 inclusive.....	1/2	.047

(2) Large capacity scales shall be capable of the following accuracy, and shall be graduated in no higher than 1/4 pound graduations for scales of capacity of up to 250 pounds; 1/2 pound graduations for scales above 250 pounds capacity.

(This table taken from the presently effective 1973 revision.)

Load in pounds:	Minimum tolerance	
	Ounces	Pounds
101 to 150 inclusive.....	1 1/4	0.078
151 to 250 inclusive.....	2	.125
251 to 500 inclusive.....	4	.250
501 to 1000 inclusive.....	8	.500
1001 to 2500 inclusive.....	16	1.0

Compliance shall be determined by the appropriate regulatory authority.

(n) *Homogenizers.* Homogenizers and high pressure pumps of the plunger type shall comply with the 3-A Sanitary Standards for Homogenizers and Pumps of the Plunger Type and shall be disassembled and thoroughly cleaned after use.

(o) *New equipment and replacements.* New equipment and replacements, including all plastic parts and rubber and rubberlike materials for parts and gaskets having product contact surfaces, shall comply with the then current 3-A Sanitary Standards. If 3-A Sanitary Standards are not available, such equipment and replacements shall meet the general requirements of this section. Only material that is sanitary, readily cleanable and non-toxic shall be used for product contact surfaces, parts and gaskets.

(p) *Vacuumizing equipment.* The vacuum chamber, as used for flavor control, shall be made of stainless steel or other equally corrosion resistant metal. The unit shall be constructed to facilitate cleaning and all product contact surfaces shall be accessible for inspection. Vacuum chambers located on the pasteurized side of the unit shall be isolated by means of a vacuum breaker and a positive activated check valve on the product inlet side and a vacuum breaker and a positive activated check valve on the discharge side. If direct steam is used, it should also be equipped with a ratio controller to regulate the composition when applicable to the finished product. Only steam which meets the requirements for culinary steam shall be used. The incoming steam supply shall be regulated by an automatic solenoid valve which will cut off the steam supply in the event the flow diversion valve of the pasteurizer is not in the forward flow position. Condensers when used shall be equipped with a water level control and an automatic safety shutoff valve.

PERSONNEL, CLEANLINESS AND HEALTH

§ 58.129 Cleanliness.

All employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectoration or use of tobacco in any form shall be prohibited in each room and compartment where any milk, dairy products, or supplies are prepared, stored or otherwise handled. Clean white or light-colored washable or disposable outer garments and caps (paper caps, hard hats, or hair nets acceptable) shall be worn to adequately protect the hair and beards when grown by all persons engaged in receiving, testing, processing milk, manufacturing, packaging or handling dairy products.

§ 58.130 Health.

No person afflicted with a communicable disease shall be permitted in any room or compartment where milk and

dairy products are prepared, manufactured or otherwise handled. No person who has a discharging or infected wound, sore or lesion on hands, arms or other exposed portion of the body shall work in any dairy processing rooms or in any capacity resulting in contact with milk, or dairy products. Each employee whose work brings him in contact with the processing or handling of dairy products, containers or equipment should have a medical and physical examination by a registered physician or by the local department of health at the time of employment. An employee returning to work following illness from a communicable disease shall have a certificate from the attending physician to establish proof of complete recovery.

PROTECTION AND TRANSPORT OF RAW MILK AND CREAM

§ 58.131 Equipment and facilities.

(a) (1) *Milk cans.* Cans used in transporting milk from dairy farm to plant shall be of such construction (preferably seamless with umbrella lids) as to be easily cleaned, and shall be inspected, repaired, and replaced as necessary to exclude substantially the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition. Adequate provisions should be made so that milk in cans will be cooled immediately after milking to 50° F. or lower unless delivered to the plant within two hours after milking.

(2) *Farm bulk tanks.* Farm bulk tanks shall comply with 3-A Sanitary Farm Cooling and Holding Tanks or 3-A Sanitary Standards for Farm Cooling and Holding Tanks or 3-A Sanitary Standards for Farm Milk Storage Tanks as applicable. They shall be installed in a milk house in accordance with the requirements of the regulatory agency in jurisdiction. The bulk cooling tanks shall be designed and equipped with refrigeration to permit the cooling of the milk to 40° F. or lower within two hours after milking, and maintain it at 45° F. or below until picked up.

(b) (1) *Receiving stations.* Receiving stations shall comply with the applicable sections of this subpart covering premises, buildings, facilities, equipment, utensils, personnel, cleanliness and health.

(2) *Transfer stations.* Transfer stations shall comply with the applicable sections of this subpart covering premises, floors, lighting, water supply, hand-washing facilities, disposal of wastes, general construction, repair and installation of equipment, piping and utensils and personnel—cleanliness and health. As climatic and operating conditions require the transfer station shall comply with the applicable sections for walls, ceilings, doors and windows.

(3) *Cream stations.* Cream stations shall provide adequate protection and facilities for the handling, transferring and cooling of farm separated cream. The area shall be large enough to avoid undue crowding with a normal volume of business and shall be separated from other areas and the outside by self-closing, tight fitting doors. All openings shall

be screened during fly season. The floor, walls and ceiling shall be of satisfactory construction, in good repair and kept clean. Lighting and ventilation shall meet the requirements of section 58.126 (d). Cooling facilities shall be provided to cool the cream to 50° F. or lower unless shipped within 8 hours after receipt. Facilities shall be provided to wash, sanitize and store cans and equipment used in the operation. The cream should not be more than four days old when picked up for delivery to the processing plant.

(c) (1) *Transporting milk or cream.* Vehicles used for the transportation of can milk or cream shall be of the enclosed type, constructed and operated to protect the product from extreme temperature, dust, or other adverse conditions and they shall be kept clean. Decking boards or racks shall be provided where more than one tier of cans is carried. Cans or vehicles used for the transportation of milk from the farm to the plant shall not be used for transporting skim milk, buttermilk, or whey to producers.

(2) *Transport tanks.* The exterior shell shall be clean and free from open seams or cracks which would permit liquid to enter the jacket. The interior shell shall be stainless steel and so constructed that it will not buckle, sag or prevent complete drainage. All product contact surfaces shall be smooth, easily cleaned and maintained in good repair. The pump and hose cabinet shall be fully enclosed with tight fitting doors and the inlet and outlet shall be provided with dust covers to give adequate protection from road dust. Tank manholes should be equipped with an adequate filtering system during loading and unloading. New and replacement transport tanks shall comply with 3-A Sanitary Standards for Stainless Steel Automotive Milk and Milk Products Transportation Tanks for Bulk Delivery and/or Farm Pick-up Service.

(3) *Facilities for cleaning and sanitizing.* Enclosed or covered facilities (as climatic conditions require) shall be available for washing and sanitizing of transport tanks, piping, and accessories, at central locations or at all plants that receive or ship milk or milk products in transport tanks.

(d) *Transfer of milk to transport tank.* Milk shall be transferred under sanitary conditions from farm bulk tanks through stainless steel piping or approved tubing. The sanitary piping and tubing shall be capped when not in use.

QUALITY SPECIFICATIONS FOR RAW MILK

§ 58.132 Basis for classification.

Raw milk for manufacturing purposes, from all individual producers, shall be based on the following: organoleptic examination (appearance and odor), quality control tests for sediment content, and bacterial estimate. In addition, milk from cows treated with antibiotics shall be excluded for such period of time as is necessary to have the milk free from antibiotics. All milk received from producers shall not exceed Federal Food and Drug Administration's established limits for pesticide residues. Producers shall

be promptly notified of any shipment or portion thereof of their milk that fails to meet any of these quality specifications.

§ 58.133 Methods for quality and wholesomeness determination.

(a) *Appearance and odor.* The appearance and odor of acceptable raw milk shall be normal, fresh and sweet. The milk shall be free from objectionable feed and other off-odors that would adversely affect the finished product, and it shall not show any abnormal condition (including, but not limited to curdled, ropy, bloody, or mastitic condition), as indicated by sight, odor, or other test procedures.

(b) *Abnormal milk.* (1) A laboratory examination for the presence of unwholesome mammary secretions—whether of an inflammatory, infectious, physiological, or environmental origin—shall be made on all patrons' milk at least 4 times in each 6 month period at irregular intervals.

(2) When a herd milk sample exceeds any of the following screening test results:

(i) California Mastitis Test—Weak Positive (CMT 1+).

(ii) Modified Whiteside Test—Positive (1+).

(iii) Wisconsin Mastitis Test—WMT Value of 21mm or as an alternative, each laboratory will establish its own WMT score above which confirmatory testing will be done.

A somatic cell count using the Direct Microscopic Count Method or equivalent, or the Electronic Method shall be made on that sample and the results of the somatic cell direct count shall be the official result.

(3) Whenever the somatic cell count indicates the presence of more than 1,500,000 somatic cells per ml., the following procedures shall be applied:

(i) A notice shall be sent to the producer warning him of the excessive somatic cell count.

(ii) Whenever two of the last four consecutive somatic cell counts exceed 1,500,000 cells per ml. the appropriate regulatory authority shall be notified and a written notice given to the producer. This notice shall be in effect so long as two of the last four consecutive samples exceed 1,500,000 cells per ml. In addition to the written notice an inspection shall be made of the farm facility.

(4) A third milk sample shall be taken after a lapse of 3 days and within 14 days of the inspection required under (2) above. If this sample also indicates a high somatic cell count, the patron's milk shall be rejected until satisfactory compliance is obtained.

(c) *Antibiotics.* At least 4 times in 6 months, at irregular intervals, a separate or commingled sample of each producer's milk shall be tested for antibiotic residues. When a producer's milk shows a positive test the milk shall be immediately rejected from all markets and shall not be accepted until a subsequent test is negative.

§ 58.134 Sediment content.

(a) *Method of testing.* Methods for determining sediment content of milk shall be those described in the latest edition of Standard Methods for the Examination of Dairy Products. For the testing of milk in cans, the off-the-bottom method shall be used. For testing bulk milk, a mixed one-pint sample shall be tested. Sediment content shall be based on comparison with applicable charts of Sediment Standards described in Subpart T 58.2728 through 58.2731 of this part.

(b) *Sediment content classification of discs.* Milk in cans and in farm bulk tanks shall be classified for sediment content as follows:

(1) Sediment (off - the - bottom method): (1½ inch diameter disc).

No. 1—USDA Sediment Standard (not to exceed) 0.50 mg. (Acceptable).

No. 2—USDA Sediment Standard (not to exceed) 1.50 mg. (Acceptable).

No. 3—USDA Sediment Standard (not to exceed) 2.50 mg. (Probational) not over 10 days.

No. 4—USDA Sediment Standard (over 2.50 mg.) (Reject).

(2) Sediment (mixed sample): (0.40 inch diameter disc).

No. 1—USDA Sediment Standard (not to exceed) 0.0625 mg. (0.50 mg. equiv.) (Acceptable).

No. 2—USDA Sediment Standard (not to exceed) 0.1875 mg. (1.50 mg. equiv.) (Acceptable).

No. 3—USDA Sediment Standard (not to exceed) 0.3125 mg. (2.50 mg. equiv.) (Probational) not over 10 days.

No. 4—USDA Sediment Standard (over) 0.3125 mg. (2.50 mg. equiv.) (Reject).

(c) *Frequency of tests.* At least once each month, at irregular intervals, the milk from each producer shall be tested as follows:

(1) *Milk in cans.* One or more cans of milk selected at random from each producer.

(2) *Milk in farm bulk tanks.* A sample shall be taken from each farm bulk tank.

(d) *Acceptance or rejection of milk.* If the sediment disc is classified as No. 1, No. 2, or No. 3 the producer's milk may be accepted. If the sediment disc is classified No. 4 the milk shall be rejected: *Provided that* if the shipment of milk is commingled with other milk in a transport tank the next shipment shall not be accepted until its quality has been determined before being picked up; however, if the person making the test is unable to get to the farm before the next shipment it may be accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better. In the case of milk classified as No. 3 or No. 4, if in cans, all cans shall be tested. Producers of No. 3 or No. 4 milk (cans or bulk) shall be notified immediately and shall be furnished applicable sediment discs and the next shipment shall be tested.

(e) *Retests.* On test of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2, or No. 3 may be accepted, but No. 4 milk shall be

rejected. Retests of bulk milk classified as No. 4 shall be made before pickup. The producers of No. 3 or No. 4 milk shall be notified immediately, furnished applicable sediment discs and the next shipment tested.

This procedure of retesting successive shipments and accepting probational (No. 3) milk and rejecting No. 4 milk may be continued for not more than 10 calendar days. If at the end of this time all of the producer's milk does not meet the acceptable sediment content classification (No. 1 or No. 2), it shall be rejected.

§ 58.135 Bacterial estimate.

(a) *Method of testing.* Methods for determining the bacterial estimate of milk shall be those described in the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Bacterial estimate classification.* Milk shall be classified for bacterial estimate by one of the following methods:

Bacterial estimate classification	Direct microscopic count, standard plate count or plate loop count	Resazurin reduction time to Munsell color standard 5 P 7/4
No. 1:		
Can.....	Not over 500,000 per milliliter.	Not less than 2½ hours.
Bulk.....	do.....	Not less than 3½ hours.
No. 2:		
Can.....	Not over 3,000,000.	Not less than 1½ hours.
Bulk.....	do.....	Not less than 2½ hours.
Undergrade:		
Can.....	Over 3,000,000.	Less than 1½ hours.
Bulk.....	do.....	Less than 2½ hours.

(c) *Frequency of tests.* At least once each month, at irregular intervals, a mixed sample of each producer's milk shall be tested.

(d) *Acceptance of milk.* If the sample of milk is classified as No. 1 or No. 2 the producer's milk may be accepted without qualification. If the sample is classified as "Undergrade" (probational) the producer's milk may be accepted for a temporary period of four weeks. The producer of "Undergrade" milk shall be notified immediately.

(e) *Retests.* Additional samples shall be tested and classified at least weekly and the producer notified immediately of the results. This procedure of testing at least weekly and accepting "Undergrade" milk may be continued for a time period not exceeding four weeks. If at the end of this time the producer's milk does not meet the acceptable bacterial estimate requirements (No. 1 or No. 2), it shall not be accepted.

§ 58.136 Rejected milk.

A plant shall reject specific milk from a producer if it fails to meet the requirements for appearance and odor (section 58.133(a)) or if it is classified No. 4 for sediment content (section 58.134). Such milk shall be identified with a reject tag.

§ 58.137 Excluded milk.

A plant shall not accept milk from a producer for use in products:

(a) If a new producer's milk does not meet the requirements for appearance and odor (§ 58.133(a)) or sediment content (§ 58.134); or

(b) If the milk has been in a probational (No. 3) sediment content classification for more than ten calendar days (§ 58.134); or

(c) If the milk has been classified "Undergrade" for bacterial estimate for more than four successive weeks (section 58.135).

(d) If the milk has been classified as having a high somatic cell count (§ 58.133(b)(4)) or having a positive test for antibiotics (§ 58.133(c)).

§ 58.138 Quality testing of milk from new producers.

An examination shall be made on the first shipment of milk from producers shipping milk to a plant for the first time or after a period of nonshipment. The milk shall meet the requirements for "acceptable milk" (§§ 58.133, 58.134, and 58.135). Thereafter, the milk shall be tested in accordance with the procedure established for regular shippers.

§ 58.139 Record of tests.

Accurate records, listing the results of quality tests of each producer, shall be kept on file at the receiving plant where performed and shall be available for examination by the inspector.

§ 58.140 Field service.

A representative of the plant should arrange to promptly visit each producer shipping milk which does not meet the requirements for acceptable milk, for the purpose of inspecting the equipment, utensils and facilities at the farm and to offer constructive assistance for improvement in the quality of the milk. A representative of the plant should visit each producer as often as practicable to assist in and encourage the production of high quality milk.

§ 58.141 Alternate quality control program.

When a plant has in operation an acceptable quality program, at the producer level, which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality program as outlined above for milk or cream, then such a program may be accepted in lieu of the program herein prescribed.

OPERATIONS AND OPERATING PROCEDURES

§ 58.142 Product quality and stability.

The receiving, holding and processing of milk and cream and the manufacturing, handling, packaging, storing and delivery of dairy products shall be in accordance with clean and sanitary methods, consistent with good commercial practices to promote the production of the highest quality of finished product and improve product stability. Milk should not be more than three days old when picked up from the producer and delivered to the plant, receiving station or transfer station.

§ 58.143 Raw product storage.

All milk shall be held and processed under conditions and at temperatures that will avoid contamination and rapid deterioration. Drip milk from can washers and any other source shall not be used for the manufacture of dairy products. Bulk milk in storage tanks within the dairy plant shall be handled in such a manner as to minimize bacterial increase and shall be maintained at 45° F. or lower until processing begins. This does not preclude holding milk at higher temperatures for a period of time, where applicable to particular manufacturing or processing practices.

The bacteriological quality of commingled milk in storage tanks shall not exceed 3,000,000/ml.

§ 58.144 Pasteurization or ultra-pasteurization.

When pasteurization or ultra-pasteurization is intended or required, or when a product is designated "pasteurized" or "ultra-pasteurized" every particle of the product shall be subjected to such temperatures and holding periods in approved systems as will assure proper pasteurization or ultra-pasteurization of the product. The heat treatment by either process shall be sufficient to insure public health safety and to assure adequate keeping quality, yet retaining the most desirable flavor and body characteristics of the finished product.

§ 58.145 Composition and wholesomeness.

All necessary precautions shall be taken to prevent contamination or adulteration of the milk or dairy products during manufacturing. All substances and ingredients used in the processing or manufacturing of any dairy product shall be subject to inspection and shall be wholesome and practically free from impurities. The finished products shall comply with the requirements of the Federal Food, Drug, and Cosmetic Act as to their composition and wholesomeness.

§ 58.146 Cleaning and sanitizing treatment.

(a) *Equipment and utensils.* The equipment, sanitary piping and utensils used in receiving and processing of the milk, and manufacturing and handling of the product shall be maintained in a sanitary condition. Sanitary seal assemblies shall be removable on all agitators, pumps, and vats and shall be inspected at regular intervals and kept clean. Unless other provisions are recommended in the following supplement sections, all equipment not designed for C. I. P. cleaning or mechanical cleaning shall be disassembled after each day's use for thorough cleaning. Dairy cleaners, detergents, wetting agents or sanitizing agents, or other similar materials which will not contaminate or adversely affect the products may be used. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils.

Product contact surfaces shall be subjected to an effective sanitizing treatment prior to use, except where dry cleaning is permitted. Utensils and portable equipment used in processing and manufacturing operations shall be stored above the floor in clean, dry locations and in a self draining position on racks constructed of impervious corrosion-resistant material.

C.I.P. cleaning or mechanical cleaning systems shall be used only on equipment and pipeline systems which have been designed, engineered and installed for that purpose. When such cleaning is used, careful attention shall be given to the proper procedures to assure satisfactory cleaning. All C.I.P. installations and cleaning procedures shall be in accordance with 3-A Suggested Method for the Installation and Cleaning of Cleaned-In-Place Sanitary Milk Pipelines for Milk and Milk Products Plants. Because of the possibilities of corrosion, the recommendations of the cleaning compound manufacturer should be followed with respect to time, temperature and concentration of specific acid or alkaline solutions and bactericides. Such cleaning operation should be preceded by a thorough rinse at approximately 110-115° F. continuously discarding the water. Following the circulation of the cleaning solution the equipment and lines shall be thoroughly rinsed with lukewarm water and checks should be made for effectiveness of cleaning. All caps, plugs, special fittings, valve seats, cross ends, pumps, and tee ends shall be opened or removed and brushed clean. All non-pasteurized product contact surfaces should be sanitized. Immediately prior to starting the product flow, the pasteurized product contact surfaces shall be given sanitizing treatment.

(b) *Milk cans and can washers.* Milk cans and lids shall be cleaned, sanitized and dried before returning to producers. Inspection, repair or replacement of cans and lids shall be adequate to substantially exclude from use cans and lids showing open seams, cracks, rust condition, milkstone or any unsanitary condition.

Washers shall be maintained in a clean and satisfactory operating condition and kept free from accumulation of scale or debris which will adversely affect the efficiency of the washer. Only washing compounds which are compatible with the water for effective cleaning, should be used. The can washer should be checked regularly during the run for proper operation. At the end of the day, the wash and rinse tanks should be drained and cleaned, jets and strainers cleaned, air filters checked and changed or cleaned if needed, and checks should be made for proper adjustment and condition of mechanical parts.

(c) *Milk transport tanks.* A covered or enclosed wash dock and cleaning and sanitizing facilities shall be available to all plants that receive or ship milk in tanks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day after use: provided that, if they are not to be used immediately after empty-

ing a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use. After being washed and sanitized, each tank should be identified by a tag attached to the outlet valve, bearing the following information: plant and specific location where cleaned, date and time of day of washing and sanitizing, and name of person who washed and name of person who sanitized the tank. The tag shall not be removed until the tank is again washed and sanitized.

(d) **Building.** All windows, glass, partitions, and skylights should be washed as often as necessary to keep them clean. Cracked or broken glass shall be replaced promptly. The walls, ceilings and doors should be washed periodically and kept free from soil and unsightly conditions. The shelves and ledges should be wiped or vacuumed as often as necessary to keep them free from dust and debris. The material picked up by the vacuum cleaners shall be disposed of in sealed containers which will prevent contamination or insect infestation from the waste material.

§ 58.147 Insect and rodent control program.

In addition to any commercial pest control service, if one is utilized, a specially designated employee should be made responsible for the performance of a regularly scheduled insect and rodent control program. Poisonous substances shall be properly labeled, and shall be handled, stored and used in such a manner as considered satisfactory by the Environmental Protection Agency.

§ 58.148 Plant records.

Adequate plant records shall be maintained of all required tests and analyses performed in the laboratory or throughout the plant during storage, processing and manufacturing, on all raw milk receipts and dairy products. Such records shall be available for examination at all reasonable times by the inspector. The following are the records which shall be maintained for examination at the plant or receiving station where performed.

(a) Sediment and bacterial test results on raw milk from each producer. Retain for 12 months.

(1) Routine tests and monthly summary of all producers showing number and percent of total in each class.

(2) Retests, if initial test places milk in probationary status.

(3) Rejections of raw milk over No. 3 in quality.

(b) Pasteurization recorder charts. Retain for 3 months.

(c) Water supply test certificate. Retain current copy for 6 months.

(d) Cooling and heating recorder charts. Retain for 3 months.

§ 58.149 Alternate quality control programs for dairy products.

(a) When a plant has in operation an acceptable quality control program which is approved by the Administrator as being effective in obtaining results com-

parable to or higher than the quality control program as outlined in this subpart, then such a program may be accepted in lieu of the program herein prescribed.

(b) Where a minimum number of samples per batch of product, or per unit of time on continuous production runs are not specified, the phrase "as many samples shall be taken as is necessary to assure compliance to specific quality requirements" is used. Acceptable performance of this would be any method approved by the Administrator as meeting sound statistical methods of selecting samples and determining the number of samples to be taken.

PACKAGING AND GENERAL IDENTIFICATION

§ 58.150 Containers.

The size, style, and type of packaging used for dairy products shall be commercially acceptable containers and packaging materials which will satisfactorily cover and protect the quality of the contents during storage and regular channels of trade and under normal conditions of handling.

Packaging materials for dairy products shall be selected which will provide sufficiently low permeability to air and vapor to prevent the formation of mold growth and surface oxidation. In addition, the wrapper should be resistant to puncturing, tearing, cracking or breaking under normal conditions of handling, shipping and storage. When special type packaging is used, the instructions of the manufacturer shall be followed closely as to its application and methods of closure.

§ 58.151 Packaging and repackaging.

Packaging dairy products or cutting and repackaging all styles of dairy products shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and packaging materials shall be practically free from mold and bacterial contamination. Methods for checking the level of contamination shall be as prescribed by the latest edition of Standard Methods or by other satisfactory methods approved by the Administrator.

When officially graded bulk dairy products are to be repackaged into consumer type packages with official grade labels or other official identification, a supervisor of packaging shall be required, see Subpart A of this part. (Title 7, Ch. I, Pt. 58, sec. 58.2 and 58.53 of the Code of Federal Regulations). If the packaging or repackaging is done in a plant other than the one in which the dairy product is manufactured, the plant, equipment, facilities and personnel shall meet the same requirements as outlined in this subpart.

§ 58.152 General identification.

All commercial bulk packages or consumer packaged product containing dairy products manufactured under the provisions of this subpart shall comply with the applicable regulation of the Food and Drug Administration.

STORAGE OF FINISHED PRODUCT

§ 58.153 Dry storage.

The product should be stored at least 18 inches from the wall in aisles, rows, or sections and lots, in such a manner as to be orderly and easily accessible for inspection. Rooms should be cleaned regularly. It is recommended that dunnage or pallets be used when practical. Care shall be taken in the storage of any other product foreign to dairy products in the same room, in order to prevent impairment or damage to the dairy product from mold, absorbed odors, or vermin or insect infestation. Control of humidity and temperature shall be maintained at all times, consistent with good commercial practices, to prevent conditions detrimental to the product and container.

§ 58.154 Refrigerated storage.

Finished product in containers subject to such conditions that will affect its useability shall be placed on shelves, dunnage or pallets and properly identified. It shall be stored under temperatures that will best maintain the initial quality. The product shall not be exposed to anything from which it might absorb any foreign odors or be contaminated by drippage or condensation.

INSPECTION, GRADING AND OFFICIAL IDENTIFICATION

§ 58.155 Grading.

Dairy products which have been processed or manufactured in accordance with the provisions of this subpart may be graded by the grader in accordance with the U.S. Standards for Grades. Laboratory analyses, when required in determining the final grade shall be conducted in an approved laboratory.

§ 58.156 Inspection.

Dairy products, which have been processed or manufactured in an approved plant, and for which there are no official U.S. Standards for Grades, shall be inspected for quality by the inspector in accordance with contract requirements or product specifications established by the U.S. Department of Agriculture or other Federal agency or buyer and seller. Laboratory analysis when required shall be conducted in an approved laboratory.

§ 58.157 Inspection or grading certificates.

All dairy products which have been processed or manufactured, packaged and inspected or graded in accordance with the provision of this part may be covered by an inspection or grading certificate issued by the inspector or grader.

§ 58.158 Official identification.

(a) Application for authority to apply official identification to packaging material or containers shall be made in accordance with the provisions of Subpart A of this part. (Title 7, Ch. I, Pt. 58, secs. 58.49-58.57 of the Code of Federal Regulations.)

(b) Only dairy products received, processed, or manufactured in accordance with the specifications contained in this subpart and inspected and/or graded in accordance with the provisions of this part may be identified with official identification.

EXPLANATION OF TERMS

§ 58.159 Terms.

(a) *Fresh and sweet.* Free from "old milk" flavor of developed acidity or other off-flavors.

(b) *Normal feed.* Regional feed flavors, such as alfalfa, clover, silage, or similar feeds or grasses (weed flavors, such as peppergrass, French weed, onion, garlic, or other obnoxious weeds, excluded).

(c) *Off-flavors.* Tastes or odors, such as utensil, bitter, barny, or other associated defects when present to a degree readily detectable.

(d) *Developed acidity.* An apparent increase from the normal acidity of the milk to a degree of taste and odor which is detectable.

(e) *Extraneous matter.* Foreign substances, such as filth, hair, insects and fragments thereof, and rodents, and materials, such as metal, fiber, wood and glass.

(f) *Sediment.* Fine particles of material other than the foreign substances and materials defined in paragraph (e) of this section.

(g) *C.I.P.* The abbreviation of an approved system of cleaning pipelines called "Cleaned-in-Place."

(h) *Mechanical cleaning.* Denotes cleaning solely by circulation and/or flowing chemical detergent solution and water rinses onto and over the surfaces to be cleaned, by mechanical means.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING NONFAT DRY MILK, INSTANT NONFAT DRY MILK, DRY WHOLE MILK, AND DRY BUTTERMILK

DEFINITIONS

§ 58.205 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Nonfat dry milk.* The pasteurized product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It shall not contain buttermilk, or any added preservative, neutralizing agent or other chemical.

(b) *Instant nonfat dry milk.* Nonfat dry milk which has been produced in such a manner as to substantially improve its dispersing and reliquefaction characteristics over that produced by the conventional process.

(c) *Dry whole milk.* The pasteurized product resulting from the removal of water from milk and contains the lactose, milk proteins, milk fat, and milk minerals

in the same relative proportions as in the fresh milk from which made. The milk may be standardized but shall not contain buttermilk, or any added preservative, neutralizing agent or other chemicals.

(d) *Dry buttermilk.* The product resulting from drying liquid buttermilk, derived from the manufacture of sweet cream butter, which has been pasteurized either before or during the process of manufacture, with or without the addition of lactic culture and to which no alkali or other chemical preservatives have been added.

ROOMS AND COMPARTMENTS

§ 58.210 Dry storage of product.

Storage rooms for the dry storage of product shall be adequate in size, kept clean, orderly, free from rodents, insects, and mold, and maintained in good repair. They shall be adequately lighted and ventilated. The ceilings, walls, beams and floors should be free from structural defects and inaccessible false areas which may harbor insects.

§ 58.211 Packaging room for bulk products.

A separate room or area shall be provided for filling bulk containers, and shall be constructed in accordance with section 58.126. The number of control panels and switch boxes in this area should be kept to a minimum. Control panels shall be mounted a sufficient distance from the walls to facilitate cleaning or satisfactorily sealed to the wall, or shall be mounted in the wall and provided with tight fitting removable doors to facilitate cleaning. An adequate exhaust system shall be provided to minimize the accumulation of product dust within the packaging room and where needed, a dust collector shall be provided and properly maintained to keep roofs and outside areas free of dry product. Only packaging materials that are used within a day's operation may be kept in the packaging area. These materials shall be kept on metal racks or tables at least six inches off the floor. Unnecessary fixtures, equipment, or false areas which may collect dust and harbor insects, should not be allowed in the packaging room.

§ 58.212 Hopper or dump room.

A separate room shall be provided for the transfer of bulk dry dairy products to the hoppers and conveyors which lead to the fillers. This room shall meet the same requirements for construction and facilities as the bulk packaging operation. Areas and facilities provided for the transfer of dry dairy products from portable bulk bins will be accepted if gasketed surfaces or direct connections are used that appreciably eliminate the escape of product into the area.

§ 58.213 Repackaging room.

A separate room shall be provided for the filling of small packages and shall meet the same requirements for construction and facilities as the bulk packaging operation.

EQUIPMENT AND UTENSILS

§ 58.214 General construction, repair and installation.

All equipment and utensils necessary to the manufacture of dry milk products, including pasteurizer, timing-pump or device, flow diversion valve and recorder controller, shall meet the same general requirements as outlined in section 58.128 of this Subpart. In addition, for certain other equipment the following requirements shall be met.

§ 58.215 Pre-heaters.

The pre-heaters shall be of stainless steel or other equally corrosion resistant material, cleanable, accessible for inspection and shall be equipped with suitable automatic temperature controls.

§ 58.216 Hotwells.

The hotwells shall be enclosed or covered and should be equipped with indicating thermometers either in the hotwell or in the hot milk inlet line to the hotwell. If used for holding high heat products, they should also have recorders.

§ 58.217 Evaporators and/or vacuum pans.

Evaporators or vacuum pans or both, with open type condensers shall be equipped with an automatic condenser water level control, barometric leg, or so constructed so as to prevent water from entering the product. New or replacement units shall comply with the 3-A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum Pans. When enclosed type condensers are used, no special controls are needed to prevent water from entering the product. Water collected from the condensing of product (cow water) in this equipment may be utilized for pre-rinsing and cleaning solution make-up; provided it is equipped with proper controls that will automatically divert water with entrained solids to the waste water system. "Cow water" shall not be used for acidified or final equipment rinse.

§ 58.218 Surge tanks.

If surge tanks are used for hot milk, and temperatures of product including foam being held in the surge tank during processing, is not maintained at a minimum of 150° F, then two or more surge tanks shall be installed with cross connections to permit flushing and cleaning during operation. Covers easily removable for cleaning shall be provided and used at all times.

§ 58.219 High pressure pumps and lines.

High pressure lines may be cleaned-in-place and shall be of such construction that dead ends, valves and the high pressure pumps can be disassembled for hand cleaning. The high pressure pump shall comply with the 3-A Sanitary Standard for Homogenizers and Pumps of the Plunger Type.

§ 58.220 Drying Systems.

(a) *Spray dryers.* Spray dryers shall be of a continuous discharge type and

all product contact surfaces shall be of stainless steel or other equally corrosion resistant material. All joints and seams in the product contact surfaces shall be welded and ground smooth. All dryers shall be constructed so as to facilitate ease in cleaning and inspection. Sight glasses or ports of sufficient size shall be located at strategic positions. Dryers shall be equipped with suitable air intake filters. The filter system shall comply with the applicable requirements of the 3-A Accepted Practices for Milk and Milk Products Spray Drying Systems. The filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. In gas fired dryers, precautions should be taken to assure complete combustion. Air shall be drawn into the dryer from sources free from objectionable odors and smoke, dust or dirt. New systems, replacement systems, or portions of systems replaced shall comply with the requirements of the 3-A Accepted Practices for Milk and Milk Products Spray Drying Systems.

(b) *Roller dryers.* (1) The drums of a roller dryer shall be smooth, readily cleanable and free of pits and rust. The knives shall be maintained in such condition so as not to cause scoring of the drums.

(2) The end boards shall have an impervious surface and be readily cleanable. They shall be provided with a means of adjustment to prevent leakage and accumulation of milk solids. The stack, hood, the drip pan inside of the hood and related shields shall be constructed of stainless steel and be readily cleanable. The lower edge of the hood shall be constructed so as to prevent condensate from entering the product zone. The hood shall be properly located and the stack of adequate capacity to remove the vapors. The stack shall be closed when the dryer is not in operation. The augers shall be stainless steel or properly plated, and readily cleanable. The auger troughs and related shields shall be of stainless steel and be readily cleanable. All air entering the dryer room shall be filtered to eliminate dust and dirt. The filter system shall consist of filtering media or device that will effectively, and in accordance with good commercial practices, prevent the entrance of foreign substances into the drying room. The filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. All dryer adjustments shall be made and the dryer operating normally before food grade product is collected from the dryer.

(c) *Other drying systems.* These systems shall be constructed following the applicable principles of the 3-A Accepted Practices for Milk and Milk Products Spray Drying Systems.

§ 58.221 Collectors and conveyors.

Collectors shall be made of stainless steel or equally noncorrosive material and should be constructed to facilitate cleaning and inspection. Filter sack collectors, if used, shall be in good condition and the system shall be of such construction

that all parts are accessible for cleaning and inspection. Conveyors shall be of stainless steel or equally corrosion resistant material and should be constructed to facilitate thorough cleaning and inspection.

§ 58.222 Dry dairy product cooling equipment.

Cooling equipment shall be provided with sufficient capacity to cool the product as specified in 58.240. A suitable dry air supply with an effective filtering system meeting the requirements of 58.220(a) shall be provided where air cooling and conveying is used.

§ 58.223 Special treatment equipment.

Any special equipment (instantizers, hammer mills, etc.) used to treat dry milk products shall be of sanitary construction and all parts shall be accessible for cleaning and inspection. New or replacement instantizing systems shall comply with the 3-A Accepted Practices for Instantizing Systems for Dry Milk and Dry Milk Products.

§ 58.224 Sifters.

All newly installed sifters used for dry milk and dry milk products shall comply with the 3-A Sanitary Standards for Sifters for Dry Milk and Dry Milk Products. All other sifters shall be constructed of stainless steel or other equally noncorrosive material and shall be of sanitary construction and accessible for cleaning and inspection. The mesh size of sifter screen used for various dry dairy products shall be those recommended in the appendix of the 3-A Standard for sifters.

§ 58.225 Clothing and shoe covers.

Clean clothing and shoe covers shall be provided exclusively for the purpose of cleaning the interior of the dryer when it is necessary to enter the dryer to perform the cleaning operation.

§ 58.226 Portable and stationary bulk bins.

Bulk bins shall be constructed of stainless steel, aluminum or other equally corrosion resistant materials, free from cracks, seams and must have an interior surface that is relatively smooth and easily cleanable. All product contact surfaces shall be easily accessible for cleaning. The capacity of each portable and bulk bin shall be limited to permit proper operating procedures such as sampling and daily removal of all product to preclude commingling of different days production.

§ 58.227 Sampling device.

If automatic sampling devices are used, they shall be constructed in such a manner as to prevent contamination of the product, and all parts must be readily accessible for cleaning. The type of sampler and the sampling procedure shall be as approved by the Administrator.

§ 58.228 Dump hoppers, screens, mixers and conveyors.

The product contact surfaces of dump hoppers, screens, mixers and conveyors

which are used in the process of transferring dry products from bulk containers to fillers for small packages or containers, shall be of stainless or equally corrosion resistant material and designed to prevent contamination. All parts should be accessible for cleaning. The dump hoppers shall be of such height above floor level as to prevent foreign material or spilled product from entering the hopper.

§ 58.229 Filler and packaging equipment.

All filling and packaging equipment shall be of sanitary construction and all parts, including valves and filler heads accessible for cleaning. New or replacement equipment should comply with the 3A Sanitary Standards for equipment for Packaging Dry Milk and Dry Milk Products.

§ 58.230 Heavy duty vacuum cleaners.

Each plant handling dry milk products shall be equipped with a heavy duty industrial vacuum cleaner. The vacuum cleaner shall be of a type that has a collector or disposable bag which will not recontaminate the atmosphere of the processing and packaging areas. Regular scheduling shall be established for its use in vacuuming applicable areas.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.231 General.

All raw materials received at the drying plant shall meet the following quality specifications.

§ 58.232 Milk.

Raw milk shall meet the requirements as outlined in section 58.132 thru 58.138 and, unless processed within two hours after being received, it shall be cooled to and held at a temperature of 45° F. or lower until processed.

§ 58.233 Skim milk.

The skim milk shall be separated from whole milk meeting the requirements as outlined in section 58.132 thru 58.138, and unless processed immediately, it shall be cooled to and maintained at a temperature of 45° F. or lower from the time of separating until the time of processing.

§ 58.234 Buttermilk.

Buttermilk for drying shall be fresh, sweet, and from the churning of sweet cream butter, with or without the addition of harmless lactic culture. No neutralizing agent or chemical preservative may be added. Fluid buttermilk, unless cultured, shall be held at 45° F. or lower unless processed within 2 hours.

§ 58.235 Modified dry milk products.

Dry milk products to which approved neutralizing agents or chemicals have been added or constituents removed to alter their original characteristics for processing or usage shall come from products meeting the requirements of 58.232, 58.233, or 58.234. These products shall meet the applicable labeling requirements.

OPERATIONS AND OPERATING PROCEDURES

§ 58.236 Pasteurization and heat treatment.

All milk and buttermilk used in the manufacture of dry milk products and modified dry milk products shall be pasteurized at the plant where dried, except that acidified buttermilk containing 40 percent or more solids may be transported to another plant for drying without repasteurization. Provided the condensed product is handled according to sanitary conditions approved by the Administrator.

(a) *Pasteurization.* (1) All milk or skim milk to be used in the manufacture of nonfat dry milk shall be pasteurized prior to condensing at a minimum temperature of 161° F. for at least 15 seconds or its equivalent in bacterial destruction. Condensed milk products made from pasteurized milk may be transported to a drying plant, provided that it shall be effectively repasteurized at the drying plant, prior to drying, at no less than 166° F. for 15 seconds or its equivalent in bacterial destruction.

(2) All buttermilk shall be pasteurized prior to condensing at a temperature of 161° F. for 15 seconds or its equivalent in bacterial destruction.

(b) *Heat treatment.*

(1) *High-heat.* The finished product shall not exceed 1.5 mg. undenatured whey protein nitrogen per gram of nonfat dry milk as classified in the U.S. Standards for Grades of Nonfat Dry Milk (Spray Process).

(2) *Medium-heat.* The finished product shall show undenatured whey protein nitrogen between the levels of "high-heat" and "low-heat" (1.51 to 5.99 mg.).

(3) *Low-heat.* The finished product shall show not less than 6.0 undenatured whey protein nitrogen per gram of nonfat dry milk as classified in the U.S. Standards for Grades of Nonfat Dry Milk (Spray Process).

§ 58.237 Condensed surge supply.

Surge tanks or balance tanks if used between the evaporators and dryer shall be used to hold only the minimum amount of condensed product necessary for a uniform flow to the dryers. Such tanks holding product at temperatures below 150° F. shall be completely emptied and washed after each 4 hours of operation or less. Alternate tanks shall be provided to permit continuous operation during washing of tanks.

§ 58.238 Condensed storage tanks.

Excess production of condensed product over that which the dryer will take continuously from the pans should be bypassed through a cooler into a storage tank at 50° F. or lower and held at this temperature until used.

Product cut-off points shall be made at least every 24 hours and the tank completely emptied, washed, and sanitized before reuse.

§ 58.239 Drying.

Each dryer should be operated to produce the highest quality dry product consistent with the most efficient opera-

tion. The dry products shall be removed from the drying chamber continuously during the drying process.

§ 58.240 Cooling dry products.

Prior to packaging and immediately following removal from the drying chamber the dry product shall be cooled to a temperature not exceeding 110° F. however, if the product is to be held in a bulk bin the temperature should be reduced to approximately 90° F but shall be not more than 110° F.

§ 58.241 Packaging, repackaging and storage.

(a) *Containers.* Packages or containers used for the packaging of nonfat dry milk or other dry milk products shall be any clean, sound commercially accepted container or packaging material which will satisfactorily protect the contents through the regular channels of trade, without significant impairment of quality with respect to flavor, wholesomeness or moisture content under the normal conditions of handling. In no instance will containers which have previously been used for nonfood items, or food items which would be deleterious to the dairy product be allowed to be used for the bulk handling of dairy products.

(b) *Filling.* Empty containers shall be protected at all times from possible contamination and containers which are to be lined shall not be prepared more than one hour in advance of filling. Every precaution shall be taken during the filling operation to minimize product dust and spillage. When necessary a mechanical shaker shall be provided; the tapping or pounding of containers should be prohibited. The containers shall be closed immediately after filling and the exteriors shall be vacuumed or brushed when necessary to render them practically free of residual product before being transferred from the filling room to the palleting or dry storage areas.

(c) *Repackaging.* The entire repackaging operation shall be conducted in a sanitary manner with all precautions taken to prevent contamination and to minimize dust. All exterior surfaces of individual containers shall be practically free of product before overwrapping or packing in shipping containers. The room shall be kept free of dust accumulation, waste, cartons, liners, or other refuse. Conveyors, packaging and carton making equipment shall be vacuumed frequently during the operating day to prevent the accumulation of dust. No bottles or glass materials of any kind shall be permitted in the repackaging or hopper room. The inlet openings of all hoppers and bins shall be of minimum size, screened and placed well above the floor level. The room and all packaging equipment shall be cleaned as often as necessary to maintain a sanitary operation. Close attention shall be given to cleaning equipment where residues of the dry product may accumulate. A thorough clean-up including windows, doors, walls, light fixtures and ledges, should be performed as frequently as is necessary to maintain a high standard of cleanliness and sanitation. All waste dry

dairy products including dribble product at the fillers, shall be properly identified and disposed of as animal feed.

(d) *Storage.* (1) *Product.* The packaged dry milk product shall be stored or so arranged in aisles, rows, or sections and lots at least 18 inches from any wall and in such a manner as to be orderly, easily accessible for inspection or for cleaning of the room. All bags and small containers of products shall be placed on pallets elevated from the floor. Product in small containers may be stored by methods preventing direct contact with the floor when the condition of the container is satisfactorily maintained. The storage room shall be kept clean and dry and all openings protected against entrance of insects and rodents.

(2) *Supplies.* All supplies shall be placed on dunnage or pallets and arranged in an orderly manner for accessibility and cleaning of the room. It is preferable that supplies be stored in an area separate from that used for storing the dry products. Supplies shall be kept enclosed in their original wrapping material until used. After removal of supplies from their original containers, they shall be kept in an enclosed metal cabinet, bins or on shelving and if not enclosed shall be protected from powder, and dust or other contamination. The room should be vacuumed as often as necessary and kept clean and orderly.

§ 58.242 Product adulteration.

All necessary precautions shall be taken throughout the entire operation to prevent the adulteration of one product with another. The commingling of one type of liquid or dry product with another shall be considered as an adulteration of that product. This does not prohibit the normal standardization of like products in accordance with good commercial practices or the production of specific products for special uses, provided applicable labeling requirements are met.

§ 58.243 Checking quality.

All milk, milk products and dry milk products shall be subject to inspection and analysis by the dairy plant for quality and condition throughout each processing operation. Periodically samples of product and environmental material shall be tested for salmonella. Test results shall be negative when samples are tested for salmonella. Line samples should be taken periodically as an aid to quality control in addition to the regular routine analysis made on the finished products.

§ 58.244 Number of samples.

As many samples shall be taken from each dryer production lot as is necessary to assure proper composition and quality control. A sufficient number of representative samples from the lot shall be taken to assure compliance with the stated net weight on the container.

§ 58.245 Method of official sample analysis.

Samples shall be tested according to the applicable methods of laboratory analysis contained in DA Instruction

918-103, 918-109-1 and 918-109-3 as issued by the USDA, Agricultural Marketing Service, Dairy Division.

§ 58.246 Cleaning of dryers, collectors, conveyors, ducts, sifters and storage bins.

This equipment shall be cleaned as often as is necessary to maintain such equipment in a clean and sanitary condition. The kind of cleaning procedure either wet or dry and the frequency of cleaning shall be based upon observation of actual operating results and conditions.

§ 58.247 Insect and rodent control program.

In addition to any commercial pest control service, if one is utilized, a specially designated employee should be made responsible for the performance of a regularly scheduled insect and rodent control program as outlined in University of Wisconsin Extension Bulletin A2518 or subsequent revisions thereof, or one equivalent thereto.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.248 Nonfat dry milk.

Nonfat dry milk in commercial bulk containers bearing an official identification shall meet the requirements of U.S. Extra Grade or U.S. Standard Grade.

Regular nonfat dry milk in consumer size packages which bears an official identification shall meet the requirements of U.S. Extra Grade. In addition, the nonfat dry milk shall be sampled and tested in accordance with §§ 58.244 and 58.245.

§ 58.249 Instant nonfat dry milk.

(a) Only instant nonfat dry milk manufactured and packaged in accordance with the requirements of this part and with the applicable requirements in Subpart A of this part which has been officially inspected in process and found to be in compliance with these requirements may be identified with the official USDA U.S. Extra Grade, processed and packed inspection shield.

(b) Instant nonfat dry milk shall meet the applicable standard for U.S. Extra Grade.

§ 58.250 Dry whole milk.

Dry whole milk in commercial bulk containers which bears an official identification shall meet the requirements for the U.S. Standards for Grades of Dry Whole Milk. Quality requirements for dry whole milk in consumer packages shall be for U.S. Extra Grade and shall be gas packed with an oxygen content of not more than 2.0 percent.

§ 58.251 Dry buttermilk.

The quality requirements for all dry buttermilk bearing official identification shall be in accordance with U.S. Standards for Grades of Dry Buttermilk. Dry cultured buttermilk shall meet the same requirements as listed above except that

allowances shall be made for increased acidity due to the culture process.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

DEFINITIONS

§ 58.305 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning.

(a) *Butter*. The food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, with or without additional coloring matter, and containing not less than 80 percent by weight of milkfat, all tolerances having been allowed for.

(b) *Butteroil*. The food product resulting from the removal of practically all of the moisture and solids-not-fat from butter. It contains not less than 99.6 percent fat, and not more than 0.3 percent moisture; and not more than 0.1 percent other butter constituents, of which the salt shall be not more than 0.05 percent.

(c) *Anhydrous milkfat*. The food product resulting from the removal of practically all of the moisture and the solids-not-fat from pasteurized cream. It contains not less than 99.8 percent fat, and not more than 0.15 percent moisture.

(d) *Frozen cream*. Sweet cream which has been pasteurized and frozen. It contains approximately 40 percent milkfat.

(e) *Plastic cream*. Sweet cream which has been pasteurized and contains approximately 80 percent milkfat.

(f) *Whipped butter*. Butter which has been stirred or whipped to incorporate air or inert gas, until its volume has been increased up to a range of from 50 to 100 percent. It contains not less than 80.0 percent fat by weight.

ROOMS AND COMPARTMENTS

§ 58.311 Coolers and freezers.

The coolers and freezers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products during storage or during tempering prior to further processing. Coolers and freezers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

§ 58.312 Churn rooms.

Churn rooms in addition to proper construction and sanitation shall be so equipped that the air is kept free from objectionable odors and vapors and extreme temperatures by means of adequate ventilation and exhaust systems or air conditioning and heating facilities.

§ 58.313 Print and bulk packaging rooms.

Rooms used for packaging print or bulk butter and related products should, in addition to proper construction and sanitation, provide an atmosphere relatively free from mold (not more than 15 colonies per plate during a 15 min. exposure), dust, or other air-borne contamination and maintain a reasonable room temperature in accordance with good commercial practices.

EQUIPMENT AND UTENSILS

§ 58.314 General construction, repair and installation.

All equipment and utensils necessary to the manufacture of butter and related products shall meet the same general requirements as outlined in section 58.128. In addition for certain other equipment, the following requirements shall be met.

§ 58.315 Continuous churns.

All product contact surfaces of the churn and related equipment shall be of noncorrosive material. All non-metallic product contact surfaces shall comply with 3-A Standards for Plastic, Rubber, and Rubber-Like Materials. All product contact surfaces of the churn and related equipment shall be readily accessible for cleaning and inspection. Construction shall follow the applicable principles of the 3-A Sanitary Standards.

§ 58.316 Conventional churns.

Churns shall be constructed of aluminum, stainless steel or equally corrosion resistant metal, free from cracks, and in good repair. All gasket material shall be fat resistant, nontoxic and reasonably durable. Seals around the doors shall be tight.

§ 58.317 Bulk butter trucks, boats, texturizers, and packers.

Bulk butter trucks, boats, texturizers, and packers shall be constructed of aluminum, stainless steel, or equally corrosion resistant metal free from cracks, seams and must have a surface that is relatively smooth and easily cleanable. All non-metallic product surfaces shall comply with 3-A Standards for Plastic, Rubber, and Rubber-Like Material.

§ 58.318 Butter, frozen or plastic cream melting machines.

Shavers, shredders or melting machines used for rapid melting of butter, frozen or plastic cream shall be of stainless steel or equally corrosion resistant metal, free from cracks and of sanitary construction, and readily cleanable.

§ 58.319 Printing equipment.

All printing equipment shall be designed so as to adequately protect the product and be readily demountable for cleaning of product contact surfaces. All product contact surfaces shall be aluminum, stainless steel or equally corrosion resistant metal, or plastic, rubber and rubber like material which comply with 3-A standards, except that conveyors may be constructed of material which can be properly cleaned and maintained in a satisfactory manner.

§ 58.320 Brine tanks.

Brine tanks used for the treating of parchment liners shall be constructed of noncorrosive material and have an adequate and safe means of heating the salt solution for the treatment of the liners. The tank should also be provided with a satisfactory drainage outlet.

§ 58.321 Cream storage tanks.

Cream storage tanks shall meet the requirements of section 58.128(d). Cream storage tanks for continuous churns should be equipped with effective temperature controls and recording devices.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.322 Cream.

Cream separated at an approved plant and used for the manufacture of butter shall have been derived from raw material meeting the requirements as listed under §§ 58.132 thru 58.138 of this subpart.

The inspection of farm-separated cream to be used for manufacturing or processing into dairy products under this part shall be based on organoleptic examination and quality control tests to determine suitability of cream at the time of delivery thereof at the receiving plant or substation.

(a) *Organoleptic examination.* Cream received at an approved receiving plant, or substation shall be identified as to the producer, seller, or shipper from whom received. Each can of cream in each shipment shall be examined for physical characteristics, off-taste and odors including those associated with developed acidity. The condition of the cream shall be wholesome and characteristic of normal cream. The organoleptic examination and segregation of the cream which is used in the manufacturing or processing into butter, shall be consistent with the applicable flavor classification of butter set forth in the U.S. Standards for Grades of Butter. Any cream having pronounced or offensive off-taste or odors, or which is in an abnormal condition (including, but not being limited to surface mold, foamy, yeasty, fruity, or containing extraneous matter), or which is otherwise unwholesome, shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products.

(b) *Sediment content classification.* (1) For the purpose of quality control and establishing a rejection level of cream to the producer, seller, or shipper, the following classifications of cream for sediment shall be applicable using USDA Sediment Chart (7 CFR 58.2726) as the basis for classification.

(i) *Sediment (off-the-bottom method):*

No. 1—USDA Sediment Standard (not to exceed) 0.50 mg.

No. 2—USDA Sediment Standard (not to exceed) 1.00 mg.

No. 3—USDA Sediment Standard (not to exceed) 2.50 mg.

(ii) *Sediment (mixed-can method):*

No. 1—USDA Sediment Standard (not to exceed) 0.20 mg.

No. 2—USDA Sediment Standard (not to exceed) 0.30 mg.

No. 3—USDA Sediment Standard (not to exceed) 1.00 mg.

(2) At least twice each month one can of cream from each producer, seller, or shipper of farm separated cream shall be selected at random and tested by using the "off-the-bottom" method or the "mixed-can" method in accordance with acceptable and approved procedures.

(3) As a supplement to the regular sediment testing procedure it is recommended that whole-can filtering facilities be utilized for each can of each shipment of cream from the producer for coarse sediment or extraneous matter and rejections be made in accordance with State or Federal Food and Drug Administration practices.

(c) *Acceptable cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination and complying with No. 1 or No. 2 for sediment content may be used in the processing or manufacturing of dairy products.

(d) *Probational cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination but classified No. 3 for sediment content may be accepted for processing in an approved plant for three successive deliveries. Thereafter each successive delivery shall be tested for sediment content prior to acceptance. If the sediment content is in excess of No. 2 such cream shall be rejected to the producer, seller, or shipper, and successive deliveries shall continue to be rejected until the sediment content is No. 2, or better. As soon as any shipment of cream is classified as probationary a representative of the plant, receiving plant, or substation should contact the producer, seller, or shipper involved in the production of probational cream and if necessary arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant or substation and to offer constructive assistance for improvement in the quality of the cream.

(e) *Rejected cream.* (1) The cream from a producer, seller or shipper who has failed to improve the quality of his cream during the probationary period so as to meet the requirements of No. 2, or better, for sediment shall be rejected cream. Any further acceptance of cream from such a producer, seller, or shipper shall be on the basis of testing each shipment for sediment content, prior to acceptance to determine if the cream is No. 2, or better. If all cans of cream of the subsequent shipment meet No. 2, or better, such cream shall be classified as probational cream. When three successive shipments indicate cream of No. 2, or better, the cream may again be accepted, subject to regular periodic testing and quality control measures.

(2) If the initial new shipment fails to meet the requirements of No. 2 cream, or better, the plant shall not accept such

cream until a representative of the plant again contacts the producer, seller, or shipper for the purpose of offering constructive assistance in correcting the unsatisfactory condition.

(f) *Field service.* A representative of the plant should arrange to promptly contact each producer, seller, or shipper involved in the production of probational or reject cream for the purpose of offering constructive assistance for the improvement in the quality of the cream. If necessary, he should arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant, or substation. A representative of the plant should visit each producer, seller, or shipper as often as is practicable to assist in and encourage the production of high quality cream.

(g) *Records.* Accurate plant records listing the results of quality tests made on raw cream shall be maintained on cream from each producer, seller, or shipper. Each producer, seller, or shipper, shipping probational or rejected cream, shall be informed immediately of the results of such quality tests. Producers, sellers, or shippers, shipping No. 1 and No. 2 cream should receive such information at the time of regular remittances. Such records shall be available for examination by the inspector and kept on file for at least one year.

(h) *Alternate quality program.* When a processor has in operation an acceptable quality program, at the producer level, which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality program as outlined above for cream, then such a program may be accepted in lieu of the program herein prescribed.

§ 58.323 Whipped butter.

Whipped butter to be eligible for official certification with a U.S. Grade shield shall be graded prior to whipping and shall have originated from an approved plant. If made from cream in a continuous churning and whipping process, the quality of the cream used shall meet the requirements of cream for butter of comparable U.S. Grade.

§ 58.324 Butteroil.

To produce butteroil eligible for official certification, the butter used shall conform to the flavor requirements of U.S. Grade AA, U.S. Grade A, or U.S. Grade B, and shall have been manufactured in an approved plant.

§ 58.325 Anhydrous milkfat.

Made by a continuous separation process directly from milk or cream. To produce anhydrous milkfat eligible for official certification, the cream used shall be comparable to the flavor quality specified above for U.S. Grade AA or U.S. Grade A butter. Appearance should be fairly smooth and uniform in consistency. The cream shall be pasteurized in accordance with the procedure for cream for butter making (§ 58.334a).

§ 58.326 Plastic cream.

To produce plastic cream eligible for official certification, the quality of the

cream used shall meet the requirements of cream acceptable for the manufacture of U.S. Grade AA or U.S. Grade A butter.

§ 58.327 Frozen cream.

To produce frozen cream eligible for official certification, the quality of the cream used shall meet the requirements of cream acceptable for the manufacture of U.S. Grade AA or U.S. Grade A butter.

§ 58.328 Salt.

The salt shall be free-flowing, white refined sodium chloride and shall meet the requirements of The Food Chemical Codex.

§ 58.329 Color.

Coloring, when used shall be Annatto or any color which is approved by the U.S. Food and Drug Administration.

§ 58.330 Butter starter cultures.

Harmless bacterial cultures when used in the development of flavor components in butter and related products shall have a pleasing and desirable flavor and shall have the ability to transmit these qualities to the finished product.

§ 58.331 Starter distillate.

The refined flavor components when used to flavor butter and related products. It shall be of food grade quality, free of extraneous material and prepared in accordance with good commercial practice.

OPERATIONS AND OPERATING PROCEDURES

§ 58.332 Segregation of raw material.

The milk and cream received at the dairy plant shall meet the quality specifications as indicated under section 58.322. The milk and cream should be segregated by quality and processed separately in such a manner that the finished product will fully meet the requirements of a particular U.S. Grade or other specification, whichever is applicable.

§ 58.334 Pasteurization.

The milk or cream shall be pasteurized at the plant where the milk or cream is processed into the finished product or by procedures as set forth by the Administrator.

(a) *Cream for butter making.* The cream for butter making shall be pasteurized at a temperature of not less than 165° F. and held continuously in a vat at such temperature for not less than 30 minutes; or pasteurized by HTST method at a minimum temperature of not less than 185° F. for not less than 15 seconds; or it shall be pasteurized by any other equivalent temperature and holding time which will assure adequate pasteurization. Additional heat treatment above the minimum pasteurization requirement is advisable to insure improved keeping-quality characteristics.

Adequate pasteurization control shall be used and the diversion valve shall be set to divert at no less than 185° F. with a 15 second holding time or its equivalent in time and temperature to assure pasteurization. If the vat or holding method of pasteurization is used, vat covers shall be closed prior to holding period

to assure temperature of air space reaching 5° F. higher than the minimum temperature during the holding time. Covers shall also be kept closed during the holding and cooling period.

(b) *Cream for plastic or frozen cream.* The pasteurization of cream for plastic or frozen cream shall be accomplished in the same manner as in (a) above, except, that the temperature for the vat method shall be not less than 170° F. for not less than 30 minutes, or not less than 190° F. for not less than 15 seconds or by any other temperature and holding time which will assure adequate pasteurization and comparable keeping-quality characteristics.

§ 58.335 Quality control tests.

All milk, cream and related products are subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing and manufacturing and as an aid in correcting deficiencies in processing and manufacturing. Routine analysis shall be made on raw materials and finished products to assure adequate microbiological, composition and chemical control.

§ 58.336 Frequency of sampling for quality control of cream, butter and related products.

(a) *Microbiological.* Samples shall be taken from churnings or batches and should be taken as often as is necessary to insure microbiological control.

(b) *Composition.* Sampling and testing for product composition shall be made on churns or batches as often as is necessary to insure adequate composition control. For in-plant control, the Kohman or modified Kohman test may be used.

(c) *Chemical.* (1) *Acid degree value.* This test should be made on churnings or batches from samples taken from the cream as often as is necessary to aid in the control of lipase activity.

(2) *Free fatty acid.* This test should be made on churnings or batches from samples taken from the butter as often as is necessary to aid in the control of lipase activity.

(d) *Other analysis.* Other chemical analysis or physical measurements shall be performed as often as is necessary to insure meeting grade standards and contract specifications.

(e) *Weight or volume control.* Representative samples of the packaged product should be checked using procedures prescribed by the Administrator during the packaging operation to assure compliance with the stated net weight or volume on the container.

(f) *Keeping quality and stability.* Samples from churnings shall be subjected to a seven day keeping quality test at a temperature of 72° F. to establish and maintain a satisfactory keeping quality history. Optionally 98° F. for 48 hours may be used, however, in case of a dispute, the results of the seven days at 72° F. will prevail.

§ 58.337 Official test methods.

(a) *Chemical.* Chemical analyses except where otherwise prescribed herein, shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, published by the Association of Official Analytical Chemists, The Official and Tentative Methods of the American Oil Chemists Society or any other methods giving equivalent results.

(b) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described or suggested in the latest edition of Standard Methods for the Examination of Dairy Products, published by the American Public Health Association.

§ 58.338 Composition and wholesomeness.

All ingredients used in the manufacture of butter and related products shall be subject to inspection and shall be wholesome and practically free from impurities. Chlorinating facilities shall be provided for butter wash water if needed and all other necessary precautions shall be taken to prevent contamination of products. All finished products shall comply with the requirements of the Federal Food, Drug and Cosmetic Act, as to composition and wholesomeness.

§ 58.339 Containers.

(a) Containers used for the packaging of butter and related products shall be commercially acceptable containers or packaging material that will satisfactorily protect the quality of the contents in regular channels of trade. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing two pounds or less, to protect the product from contamination during subsequent handling.

(b) *Liners and wrappers.* Supplies of parchment liners, wrappers and other packaging material shall be protected against dust, mold and other possible contamination.

Prior to use, parchment liners for bulk butter packages shall be completely immersed in a boiling salt solution in a suitable container constructed of stainless steel or other equally non-corrosive material. The liners shall be maintained in the solution for not less than 30 minutes. The liners shall be effectively treated with a solution consisting of at least 15 pounds of salt for every 85 pounds of water and shall be strengthened or changed as frequently as necessary to keep the solution full strength and in good condition.

Other liners such as polyethylene shall be treated or handled in such a manner as to prevent contamination of the liner prior to filling.

(c) *Filling bulk butter containers.* The lined butter containers shall be protected from possible contamination prior to filling. Use of parchment liners may be accomplished by alternately inverting one container over the other or stacking the lined boxes on their sides in a rack, until ready for use. When using polyethylene

liners the boxes should be lined immediately prior to use. When packing butter into the bulk containers, care shall be taken to fill the corners leaving as few holes or openings as possible. The surface of the butter as well as the covering liner shall be smoothed evenly over the top surface before closing and sealing the container. Containers should be stacked only as high as the firmness of the product will support weight, so as not to crush or distort the container.

§ 58.340 Printing and packaging.

Printing and packaging of consumer size containers of butter shall be conducted under sanitary conditions. Separate rooms equipped with automatic filling and packaging equipment should be provided. The outside cartons should be removed from bulk butter in a room outside of the printing operation but the parchment removal and cutting of the butter may be done in the print room.

§ 58.341 Repackaging.

When officially graded or inspected bulk product is to be repackaged into consumer type packages for official grade labeling or other official identification, a supervisor of packaging shall be required and the plant, equipment, facilities and personnel shall meet the same specifications as outlined in this part, including such markings or identification as may be required.

§ 58.342 General identification.

Commercial bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor or other assigned plant identification (manufacturer's lot number, churn number, etc.) and any other identification that may be required. Packages of plastic or frozen cream shall be marked with the percent of milkfat.

§ 58.343 Storage of finished product in coolers.

All products shall be kept under refrigeration at temperatures of 40° F. or lower after packaging and until ready for distribution or shipment. The products shall not be placed directly on floors or exposed to foreign odors or conditions such as drippage due to condensation which might cause package or product damage.

§ 58.344 Storage of finished product in freezer.

(a) *Sharp freezers.* Plastic cream or frozen cream intended for storage shall be placed in quick freezer rooms immediately after packaging, for rapid and complete freezing within 24 hours. The packages shall be piled or spaced in such a manner that air can freely circulate between and around the packages. The

rooms shall be maintained at -10° F. or lower and shall be equipped to provide sufficient high velocity, air circulation for rapid freezing. After the products have been completely frozen, they may be transferred to a freezer storage room for continued storage.

(b) *Freezer storage.* The room shall be maintained at a temperature of 0° F. or lower. Adequate air circulation is desirable.

Butter intended to be held more than 30 days shall be placed in a freezer room as soon as possible after packaging. If not frozen before being placed in the freezer, the packages shall be spaced in such a manner as to permit rapid freezing and repiled, if necessary, at a later time.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.345 Butter.

The quality requirements for butter shall be in accordance with the U.S. Standards for Grades of Butter for U.S. Grade AA, U.S. Grade A, or U.S. Grade B, respectively.

In addition, the butter is subject to the following specifications when sampled and tested in accordance with sections 58.336 and 58.337.

Proteolytic count, not more than 100 per gram; yeast and mold count, not more than 20 per gram; coliform count, not more than 10 per gram.

Optional except when required or requested: Copper content, not more than 0.3 ppm; iron content, not more than 1.0 ppm; enterococci, not more than 10 per gram.

§ 58.346 Whipped butter.

The flavor requirements as applicable for Whipped Butter shall be in accordance with the U.S. Standards for Grades of Butter, U.S. Grade AA, U.S. Grade A, or U.S. Grade B respectively.

In addition, the whipped butter is subject to the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Proteolytic count, not more than 100 per gram; yeast and mold count, not more than 20 per gram; coliform count, not more than 10 per gram.

Optional except when required or requested: Copper content, not more than 0.3 ppm; iron content, not more than 1.0 ppm; enterococci, not more than 10 per gram.

§ 58.347 Butteroil or anhydrous milkfat.

The flavor shall be bland, free from rancid, oxidized or other objectionable flavors.

In addition, the finished products shall meet the following specifications when sampled and tested in accordance with sections 58.336 and 58.337.

Butteroil		Anhydrous milk fat
Not less than 99.6 percent.	Milkfat.....	Not less than 99.8 percent.
Not more than 0.3 percent.	Moisture.....	Not more than 0.15 percent.
Not more than 0.1 percent.	Other butter constituents including salt.	
Not more than 0.05 percent.	Salt.....	
Not more than 0.5 percent (calculated as oleic acid).	Free fatty acids..	Not more than 0.3 percent (calculated as oleic acid).
Not more than 0.1 milli equivalents per kilogram of fat.	Peroxide value..	Not more than 0.1 milli equivalents per kilogram of fat.
Not more than 0.10 ppm.	Copper content..	Not more than 0.10 ppm.

§ 58.348 Plastic cream.

The flavor shall be sweet, pleasing and desirable but may possess the following flavors to a slight degree; aged, bitter, flat, smothered and storage; and cooked and feed flavors to a definite degree. It shall be free from rancid, oxidized or other objectionable flavors.

In addition, the finished product shall meet the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Standard plate count, not more than 30,000 per gram; coliform count, not more than 10 per gram; yeast and mold, not more than 20 per gram.

Optional except when required or requested: copper content not more than 0.3 ppm; iron content not more than 1.0 ppm.

§ 58.349 Frozen cream.

The flavor shall be sweet, pleasing and desirable, but may possess the following flavors to a slight degree; aged, bitter, flat, smothered, storage; and cooked and feed flavors to a definite degree. It shall be free from rancid, oxidized or other objectionable flavors.

In addition, the product shall meet the following specifications when sampled and tested in accordance with sections 58.336 and 58.337. Samples for analysis should be taken prior to freezing of the product.

Standard plate count, not more than 30,000 per ml.; coliform count, not more than 10 per ml.; yeast and mold, not more than 20 per ml.

Optional except when required or requested: copper content, not more than 0.3 ppm; iron content not more than 1.0 ppm.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING CHEESE

DEFINITIONS

§ 58.405 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Cheese.* The fresh or matured product obtained by draining after coagulation of milk, cream, skimmed or partly skimmed milk or a combination of some or all of these products and including any cheese that conforms to the provisions of 21 CFR 19.500 up to 19.750, "Definitions and Standards of Identity for Cheese and Cheese Products," Food and Drug Administration.

(b) *Milkfat from whey.* The fat obtained from the separation of cheese whey.

ROOMS AND COMPARTMENTS

§ 58.406 Starter facility.

A separate starter room or properly designed starter tanks and satisfactory air movement techniques shall be provided for the propagation and handling of starter cultures. All necessary precaution shall be taken to prevent contamination of the facility, equipment and the air therein. A filtered air supply with a minimum average efficiency of 90% when tested in accordance with the ASHRAE Synthetic Dust Arrestance Test should be provided so as to obtain outward movement of air from the room to minimize contamination.

§ 58.407 Make room.

The rooms in which the cheese is manufactured shall be of adequate size, and the equipment adequately spaced to permit movement around the equipment for proper cleaning and satisfactory working conditions. Adequate filtered air ventilation should be provided. When applicable, the mold count should be not more than 15 colonies per plate during a 15 minute exposure.

§ 58.408 Brine room.

A brine room, when applicable, should be a separate room constructed so it can be readily cleanable. The brine room equipment shall be maintained in good repair and corrosion kept at a minimum.

§ 58.409 Drying room.

When applicable, a drying room of adequate size shall be provided to accommodate the maximum production of cheese during the flush period. Adequate shelving and air circulation shall be provided for proper drying. Temperature and humidity control facilities should be provided which will promote the development of a sound, dry surface of the cheese.

§ 58.410 Paraffining room.

When applicable for rind cheese, a separate room or compartment should be provided for paraffining and boxing the cheese. The room shall be of adequate size and the temperature maintained near the temperature of the drying room to avoid sweating of the cheese prior to paraffining.

§ 58.411 Rindless cheese wrapping area.

For rindless cheese a suitable space shall be provided for proper wrapping and boxing of the cheese. The area shall be free from dust, condensation, mold or other conditions which may contaminate the surface of the cheese or contribute

to unsatisfactory packaging of the cheese.

§ 58.412 Coolers or curing rooms.

Coolers or curing rooms where cheese is held for curing or storage shall be clean and maintained at the proper uniform temperature and humidity to adequately protect the cheese, and minimize the undesirable growth of mold. Proper circulation of air shall be maintained at all times. The shelves shall be kept clean and dry. This does not preclude the maintenance of suitable conditions for the curing of mold and surface ripened varieties.

§ 58.413 Cutting and packaging rooms.

When small packages of cheese are cut and wrapped, separate rooms shall be provided for the cleaning and preparation of the bulk cheese and for the cutting and wrapping operation. The rooms shall be well lighted, ventilated and provided with filtered air. Air movement shall be outward to minimize the entrance of unfiltered air into the cutting and packaging room. The waste materials and waste cheese shall be disposed of in an environmentally and/or sanitary approved manner.

EQUIPMENT AND UTENSILS

§ 58.414 General construction, repair and installation.

All equipment and utensils necessary to the manufacture of cheese and related products shall meet the same general requirements as outlined in section 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.415 Starter vats.

Bulk starter vats shall be of stainless steel or equally corrosion resistant metal and should be constructed according to the applicable 3-A Sanitary Standards. New or replacement vats shall be constructed according to the applicable 3-A Sanitary Standards. The vats shall be in good repair, equipped with tight fitting lids and have adequate temperature controls such as valves, indicating and/or recording thermometers.

§ 58.416 Cheese vats, tanks and drain tables.

The vats, tanks and drain tables used for making cheese should be of metal construction with adequate jacket capacity for uniform heating. The inner liner shall be minimum 16 gauge stainless steel or other equally corrosion resistant metal, properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket shall be constructed of stainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jackets shall be constructed so as to prevent milk or cheese from entering the inner jacket.

The vat, tank and/or drain table shall be equipped with a suitable sanitary out-

let valve. Effective valves shall be provided and properly maintained to control the application of heat to this equipment. If this equipment is provided with removable cloth covers, they shall be clean.

§ 58.417 Mechanical agitators.

The mechanical agitators shall be of sanitary construction. The carriages shall be of the enclosed type and all product contact surfaces, shields, shafts, and hubs shall be constructed of stainless steel or other equally corrosion resistant metal. Metal blades, forks, or stirrers shall be constructed of stainless steel and of material approved in the 3-A Sanitary Standards for Plastic, and Rubber and Rubber-Like Materials and shall be free from rough or sharp edges which might scratch the equipment or remove metal particles.

§ 58.418 Automatic cheese making equipment.

(a) *Automatic Curd Maker.* The automatic curd making system shall be constructed of stainless steel or of material approved in the 3-A Sanitary Standards for Plastic, and Rubber and Rubber-Like Material. All areas shall be free from cracks and rough surfaces and constructed so that they can be easily cleaned.

(b) *Curd conveying systems.* The curd conveying system, conveying lines and cyclone separator shall be constructed of stainless steel or other equally corrosion resistant metal and in such manner that it can be satisfactorily cleaned. The system shall be of sufficient size to handle the volume of curd and be provided with filtered air of the quality satisfactory for the intended use. Air compressors or vacuum pumps shall not be located in the processing or packaging areas.

(c) *Automatic salter.* The automatic salter shall be constructed of stainless steel or other equally corrosion resistant metal. This equipment shall be constructed to equally distribute the salt throughout the curd. It shall be designed to accurately weigh the amount of salt added. The automatic salter shall be constructed so that it can be satisfactorily cleaned. The salting system shall provide for adequate absorption of the salt in the curd. Water and steam used to moisten the curd prior to salting shall be potable water or culinary steam.

(d) *Automatic curd filler.* The automatic curd filler shall be constructed of stainless steel or other equally corrosion resistant metal. This equipment shall be of sufficient size to handle the volume of curd and constructed and controlled so as to accurately weigh the amount of curd as it fills. The curd filler shall be constructed so that it can be satisfactorily cleaned.

(e) *Hoop and barrel washer.* The washer shall be constructed so that it can be satisfactorily cleaned. It shall also be equipped with temperature and pressure controls to insure satisfactory cleaning of the hoops or barrels. It should be adequately vented to the outside.

§ 58.419 Curd mill and miscellaneous equipment.

Knives, hand rakes, shovels, scoops, paddles, strainers, and miscellaneous equipment shall be stainless steel or of material approved in the 3-A Sanitary Standards for Plastic and Rubber-like Material. The product contact surfaces of the curd mill should be of stainless steel. All pieces of equipment shall be so constructed that they can be kept clean and free from rough or sharp edges which might scratch the equipment or remove metal particles. The wires in the curd knives shall be stainless steel, kept tight and replaced when necessary.

§ 58.420 Hoops, forms and followers.

The hoops, forms, and followers shall be constructed of stainless steel, heavy tinned steel or other approved materials. If tinned, they shall be kept tinned and free from rust. All hoops, forms, and followers shall be kept in good repair. Drums or other special forms used to press and store cheese shall be clean and sanitary.

§ 58.421 Press.

The cheese press should be constructed of stainless steel and all joints welded and all surfaces, seams and openings readily cleanable. The pressure device shall be the continuous type. Press cloths shall be maintained in good repair and in a sanitary condition. Single service press cloths shall be used only once.

§ 58.422 Brine tank.

The brine tank shall be constructed of suitable non-toxic material and should be resistant to corrosion, pitting or flaking. The brine tank shall be operated so as to assure the brine is clean, well circulated, and of the proper strength and temperature for the variety of cheese being made.

§ 58.423 Cheese vacuumizing chamber.

The vacuum chamber shall be satisfactorily constructed and maintained so that the product is not contaminated with rust or flaking paint. An inner liner of stainless steel or other corrosion resistant material should be provided.

§ 58.424 Monorail.

The monorail shall be constructed so as to prevent foreign material from falling on the cheese or cheese containers.

§ 58.425 Conveyor for moving and draining block or barrel cheese.

The conveyor shall be constructed so that it will not contaminate the cheese and be easily cleaned. It shall be installed so that the press drippings will not cause an environmental problem.

§ 58.426 Rindless cheese wrapping equipment.

The equipment used to heat seal the wrapper applied to rindless cheese shall have square interior corners, reasonably smooth interior surface and have controls that shall provide uniform pressure and heat equally to all surfaces. The equipment used to apply shrinkable

wrapping material to rindless cheese shall operate to maintain the natural intended shape of the cheese in an acceptable manner, reasonably smooth surfaces on the cheese and tightly adhere the wrapper to the surface of the cheese.

§ 58.427 Paraffin tanks.

The metal tank should be adequate in size, have wood rather than metal racks to support the cheese, have heat controls and an indicating thermometer. The cheese wax shall be kept clean.

§ 58.428 Speciality equipment.

All product contact areas of speciality equipment shall be constructed of stainless steel or of material approved in the 3-A Sanitary Standards for Plastic and Rubber and Rubber-Like Material, and constructed following 3-A Sanitary Standards principles.

§ 58.429 Washing machine.

When used, the washing machine for cheese cloths and bandages shall be of commercial quality and size; or of sufficient size to handle the applicable load. It should be equipped with temperature and water level controls.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.430 Milk.

The milk shall be fresh, sweet, pleasing and desirable in flavor and shall meet the requirements as outlined under section 58.132 thru 58.138. The milk may be adjusted by separating part of the fat from the milk or by adding one or more of the following dairy products: Cream, skim milk, concentrated skim milk, non-fat dry milk, and water in a quantity sufficient to reconstitute any concentrated or dry milk used. Such dairy products shall have originated from raw milk meeting the same requirements as outlined under §§ 58.132 thru 58.138.

§ 58.431 Hydrogen peroxide.

The solution shall comply with the specification of the U.S. Pharmacopoeia, except that it may exceed the concentration specified therein and it does not contain added preservative. Application and usage shall be as specified in the "Definitions and Standards of Identity for Cheese and Cheese Products", Food and Drug Administration.

§ 58.432 Catalase.

The catalase preparation shall be a stable, buffered solution, neutral in pH, having a potency of not less than 100 Keil units per milliliter. The source of the catalase, its application and usage shall be as specified in the "Definitions and Standards of Identity for Cheese and Cheese Products", Food and Drug Administration.

§ 58.433 Cheese cultures.

Harmless microbial cultures used in the development of acid and flavor components in cheese shall have a pleasing and desirable taste and odor and shall have the ability to actively produce the desired results in the cheese during the manufacturing process.

§ 58.434 Calcium chloride.

Calcium chloride, when used, shall meet the requirements of the Food Chemical Codex.

§ 58.435 Color.

Coloring when used, shall be Annatto or any cheese or butter color which meet the requirements of the Food and Drug Administration.

§ 58.436 Rennet, pepsin, other milk clotting enzymes and flavor enzymes.

Enzyme preparations used in the manufacture of cheese shall be safe and suitable.

§ 58.437 Salt.

The salt shall be free-flowing, white refined sodium chloride and shall meet the requirements of the Food Chemical Codex.

OPERATIONS AND OPERATING PROCEDURES

§ 58.438 Cheese from pasteurized milk.

If the cheese is labeled as pasteurized, the milk shall be pasteurized by subjecting every particle of milk to a minimum temperature of 161° F. for not less than 15 seconds or by any other acceptable combination of temperature and time treatment approved by the Administrator. HTST pasteurization units shall be equipped with the proper controls and equipment to assure pasteurization. If the milk is held more than 2 hours between the time of pasteurization and setting, it shall be cooled to 45° F. or lower until time of setting.

§ 58.439 Cheese from unpasteurized milk.

If the cheese is labeled as "heat treated", "unpasteurized," "raw milk", or "for manufacturing" the milk may be raw or heated at temperatures below pasteurization. Cheese made from unpasteurized milk shall be cured for a period of 60 days at a temperature not less than 35° F. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F. or lower until time of setting.

§ 58.440 Make schedule.

A uniform schedule should be established and followed as closely as possible for the various steps of setting, cutting, cooking, draining the whey and milling the curd, to promote a uniform quality of cheese.

§ 58.441 Records.

Starter and make records should be kept at least three months.

§ 58.442 Laboratory and quality control tests.

(a) *Chemical analyses.* (1) *Milkfat and moisture.* One sample shall be tested from each vat of the finished cheese to assure compliance with composition requirements.

(2) *Test method.* Chemical analysis shall be made in accordance with the methods described in Official Methods of Analysis of the Association of Official Analytical Chemists as specified in the appropriate standards of identity, the

latest edition of Standard Methods or by other methods giving equivalent results.

(b) *Weight or volume control.* Representative samples of the finished product shall be checked during the packaging operation to assure compliance with the stated net weight on the container of consumer size packages.

§ 58.443 Whey handling.

(a) Adequate sanitary facilities shall be provided for the handling of whey. If outside, necessary precautions shall be taken to minimize flies, insects and development of objectionable odors.

(b) Whey or whey products intended for human food shall at all times be handled in a sanitary manner in accordance with the procedures of this subpart as specified for handling milk and dairy products.

(c) Milkfat from whey should not be more than four days old when shipped.

§ 58.444 Packaging and repackaging.

Packaging rindless cheese or cutting and repackaging all styles of bulk cheese shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and the packaging material shall be practically free from mold and bacterial contamination.

When officially graded bulk cheese is to be repackaged into consumer type packages with official grade labels or other official identification, a supervisor of packaging shall be required. If the repackaging is performed in a plant other than the one in which the cheese is manufactured and the product is officially identified, the plant, equipment, facilities and personnel shall meet the same requirements as outlined in this part.

§ 58.445 General identification.

Bulk cheese for cutting and the container for cheese for manufacturing shall be legibly marked with the name of the product, code or date of manufacture, vat number, officially designated code number or name and address of manufacturer. Each consumer sized container shall meet the applicable regulations of the Food and Drug Administration.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.446 Quality requirements.

(a) *Cheddar cheese.* The quality requirements for Cheddar cheese shall be in accordance with the U.S. Standards for Grades of Cheddar Cheese.

(b) *Colby cheese.* The quality requirements for Colby cheese shall be in accordance with the U.S. Standards for Grades of Colby Cheese.

(c) *Monterey (Monterey Jack) cheese.* The quality requirements for Monterey (Monterey Jack) cheese shall be in accordance with the U.S. Standards for Grades of Monterey (Monterey Jack) Cheese.

(d) *Swiss cheese, Emmentaler cheese.* The quality requirements for Swiss cheese, Emmentaler cheese shall be in accordance with the U.S. Standards for

Grades for Swiss Cheese, Emmentaler Cheese.

(e) *Bulk American cheese for manufacturing.* The quality requirements for bulk American cheese for manufacturing shall be in accordance with the U.S. Standards for Grades of Bulk American Cheese for Manufacturing.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

DEFINITIONS

§ 58.505 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Condensed skim.* Skim milk which has been condensed to approximately one-third the original volume in accordance with standard commercial practice.

(b) *Cottage cheese.* (1) *Cottage cheese dry curd.* The soft uncured cheese meeting the requirements of 21 CFR 19.525 Food and Drug Administration.

(2) *Cottage cheese.* The soft uncured cheese meeting the requirements of 21 CFR 19.530, Food and Drug Administration.

(3) *Lowfat Cottage cheese.* The soft uncured cheese meeting the requirements of 21 CFR 19.531, Food and Drug Administration.

(c) *Direct acidification.* The production of cottage cheese, without the use of bacterial starter cultures, through the use of approved food grade acids. This product shall be labeled according to the requirements of 21 CFR 19.530(d), Food and Drug Administration.

(d) *Cottage cheese with fruits, nuts, chives, or other vegetables.* Shall consist of cottage cheese to which has been added fruits, nuts, chives or other vegetables. The finished cheese shall comply with § 58.505(b).

(e) *Cream.* The milkfat portion of milk which rises to the surface of milk on standing or is separated from it by centrifugal force and contains not less than 18.0 percent of milkfat.

(f) *Creaming mixture.* The creaming mixture consists of cream or a mixture of cream with milk or skim milk or both. To adjust the solids content, nonfat dry milk or concentrated skim milk may be added but not to exceed 3.0 percent by weight of the creaming mixture. It may or may not contain a culture of harmless lactic acid and flavor producing bacteria, food grade acid, salt, and stabilizers with or without carriers. The creaming mixture in its final form may or may not be homogenized and shall conform to the provisions of 21 CFR 19.530(b), Food and Drug Administration.

ROOMS AND COMPARTMENTS

§ 58.510 Rooms and compartments.

(a) Processing operations with open cheese vats should be separated from other rooms or areas. Excessive personnel traffic or other possible contaminat-

ing conditions should be avoided. Rooms, compartments, coolers, and dry storage space in which any raw material, packaging or ingredients supplies or finished products are handled, processed, packaged or stored shall be designed and constructed to assure clean and orderly operations.

(b) *Ventilation.* Processing and packaging rooms or compartments shall be ventilated to maintain sanitary conditions, preclude the growth of mold and air borne bacterial contaminants, prevent undue condensation of water vapor and minimize or eliminate objectionable odors. To minimize air borne contamination in processing and packaging rooms a filtered air supply meeting the requirements of § 58.510(c) shall be provided. The incoming air shall exert an outward pressure so that the movement of air will be outward and prevent the movement of unfiltered air inward.

(c) *Starter facility.* A separate starter room or properly designed starter tanks and satisfactory air movement techniques shall be provided for the propagation and handling of starter cultures. All necessary precautions shall be taken to prevent contamination of the room, equipment and the air therein. A filtered air supply with a minimum average efficiency of 90% when tested in accordance with the ASHRAE Synthetic Dust Arrestance Test should be provided so as to obtain an outward movement of air from the room to minimize contamination.

(d) *Coolers.* Coolers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products. Coolers shall be kept clean, orderly and free from mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

EQUIPMENT AND UTENSILS

§ 58.511 General construction, repair and installation.

The equipment and utensils used for the manufacture and handling of cottage cheese shall be as specified in section 58.128. In addition for certain other equipment the following requirements shall be met.

§ 58.512 Cheese vats or tanks.

Cheese vats or tanks shall meet the requirements of § 58.416. When direct steam injection is used for heating the milk, the vat or tank may be of single shell construction. The steam shall be culinary steam.

Vats shall be equipped with valves to control the heating and cooling medium and a suitable sanitary outlet valve. Vats used for creaming curd should be equipped with a refrigerated cooling medium. A circulating pump for the heating and cooling medium is recommended.

§ 58.513 Agitators.

Mechanical agitators shall meet the requirements of § 58.417.

§ 58.514 Container fillers.

Shall comply with the 3-A Sanitary Standards for Equipment for Packaging Frozen Desserts and Cottage Cheese.

§ 58.515 Mixers.

Only mixers shall be used which will mix the cheese carefully and keep shattering of the curd particles to a minimum. They shall be constructed in such a manner as to be readily cleanable. If shafts extend through the wall of the tank below the level of product, they shall be equipped with proper seals which are readily removable for cleaning and sanitizing. The mixer shall be enclosed or equipped with tight fitting covers.

§ 58.516 Starter vats.

Bulk starter vats shall meet the requirements of § 58.415.

QUALITY SPECIFICATIONS FOR RAW MATERIAL**§ 58.517 General.**

Raw materials used for manufacturing cottage cheese shall meet the following quality specifications.

§ 58.518 Milk.

The selection of raw milk for cottage cheese shall be in accordance with §§ 58.132 thru 58.138.

§ 58.519 Dairy products.

(a) *Raw skim milk.* All raw skim milk obtained from a secondary source shall be separated from milk meeting the same quality requirements for milk as outlined in section 58.518 above. Skim milk after being pasteurized and separated shall be cooled to 45° F or lower unless the skim milk is to be set for cheese within two hours after pasteurizing. The skim milk should not be more than 48 hours old from the time the milk was received at the plant and the skim milk is set for cheese.

(b) *Nonfat dry milk.* Nonfat dry milk, when used, shall be obtained from milk meeting the same quality requirements as outlined in § 58.518 above. It shall be processed according to the requirements of this Subpart, and should meet the requirements of § 58.236(b) (3).

(c) *Condensed skim milk.* Condensed skim milk, if used, shall be prepared from raw milk or skim milk that meets the same quality requirements outlined above for raw milk or skim milk. It shall be cooled promptly after drawing from the vacuum pan or evaporator and shall have been pasteurized before concentrating or during the manufacture. The standard plate count of the concentrated milk shall not exceed 30,000 per ml. at time of use.

(d) *Cream.* Any cream used for preparing the dressing for creamed cottage cheese shall be separated from milk meeting at least the same quality requirements as the skim milk used for making the curd. The flavor of the cream

shall be fresh and sweet. Cream obtained from a secondary source shall meet the same requirements. The creaming mixture prepared from this cream, after pasteurization, shall have a standard plate count of no more than 30,000 per ml.

§ 58.520 Nondairy ingredients.

(a) *Calcium chloride.* Calcium chloride, when used, shall be of food grade quality and free from extraneous material.

(b) *Salt.* Salt shall be free flowing, white refined sodium chloride and shall meet the requirements of The Food Chemical Codex.

(c) *Other ingredients.* Other ingredients such as fruits, nuts, chives or other vegetables used or blended with cottage cheese shall be reasonably free of bacteria so as not to appreciably increase the bacterial count of the finished product. The various ingredients in kind shall be consistent in size and color so as to produce the desired appearance and appeal of the finished product. The flavor of the ingredients used shall be natural and represent the intended flavor and intensity desired in the finished product. Such ingredients shall be clean, wholesome, of uniformly good quality, free from mold, rancid or decomposed particles. Vegetables used in cottage cheese may first be soaked for 15 to 20 minutes in a cold 25 to 50 ppm chlorine solution to appreciably reduce the bacterial population. After soaking, the vegetables shall be drained and used soon thereafter.

OPERATIONS AND OPERATING PROCEDURES**§ 58.521 Pasteurization and product flow.**

(a) The skim milk used for the manufacture of cottage cheese shall be pasteurized not more than 24 hours prior to the time of setting by heating every particle of skim milk to a temperature of 161° F. for not less than 15 seconds or by any other combination of temperature and time giving equivalent results. All skim milk must be cooled promptly to setting temperature. If held more than two hours between pasteurization and time of setting, the skim milk shall be cooled and held at 45° F. or lower until set.

(b) Cream or cheese dressing shall be pasteurized at not less than 150° F. for not less than 30 minutes or at not less than 166° F. for not less than 15 seconds or by any other combination of temperature and time treatment giving equivalent results. Cream and cheese dressing shall be cooled promptly to 40° F. or lower after pasteurization to aid in further cooling of cottage cheese curd for improved keeping quality.

(c) Reconstituted nonfat dry milk for cottage cheese manufacture need not be re-pasteurized provided it is reconstituted within two hours prior to the time of setting using water which is free from viable pathogenic or otherwise harmful microorganisms as well as microorganisms which may cause spoilage of cottage cheese. Skim milk sep-

arated from pasteurized whole milk need not be re-pasteurized provided it is separated in equipment from which all traces of raw milk from previous operations have been removed by proper cleaning and sanitizing.

§ 58.522 Reconstituting nonfat dry milk.

Nonfat dry milk shall be reconstituted in a sanitary manner.

§ 58.523 Laboratory and quality control tests.

(a) Quality control tests shall be made on samples as often as necessary to determine the shelf-life and stability of the finished product. Routine analyses shall be made on raw materials and finished product to assure satisfactory composition, shelf-life and stability.

(b) *Frequency of sampling.* (1) *Microbiological.* Samples of raw milk for testing shall be taken as prescribed in section 58.135. Representative samples shall be taken of finished cottage cheese and from each lot or batch of product used as an ingredient. For keeping quality tests representative samples shall be taken of finished cottage cheese.

(2) *Chemical.* (i) *Milkfat and Moisture.* Representative samples shall be taken of cottage cheese; dry cottage cheese shall be tested for moisture only.

(ii) *pH.* Representative samples shall be taken of finished cottage cheese.

(c) *Test methods.* (1) *Microbiological.* Microbiological determinations shall be made for coliform, psychrotrophic and yeasts and molds. These tests shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products, published by the American Public Health Association.

(2) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, published by the Association of Official Analytical Chemists, the latest edition of Standard Methods for the Examination of Dairy Products, or by other methods giving equivalent results.

§ 58.524 Packaging and general identification.

(a) *Containers.* Containers used for packaging cottage cheese shall be any commercially acceptable multiple use or single service container or packaging material which will satisfactorily protect the contents through the regular channels of trade without significant impairment of quality with respect to flavor, or contamination under normal conditions of handling. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing two pounds or less, to protect the product from contamination during subsequent handling.

(b) *Packaging.* The cheese shall be packaged in a sanitary manner and automatic filling and capping equipment shall be used on all small sizes. The containers shall be checked weighed during the filling operation to assure they are filled uniformly to not less than the

stated net weight on the container. Also care shall be taken that the cottage cheese be of uniform consistency at the time of packaging to assure legal composition in all packages.

(c) *General identification.* Bulk packages containing cottage cheese shall be adequately and legibly marked with the name of the product, net weight, name and address of the manufacturer, lot number, code or date of packaging and any other identification as may be required. Consumer size packaged products shall meet the applicable regulations of the Food and Drug Administration.

§ 58.525 Storage of finished product.

Cottage cheese after packaging shall be promptly stored at a temperature of 45° F. or lower to maintain quality and condition until loaded for distribution. During distribution and storage prior to sale the product should be maintained at a temperature of 45° F. or lower. The product shall not be exposed to foreign odors or conditions such as drippage or condensation that might cause package or product damage. Packaged cottage cheese shall not be placed directly on floors.

REQUIREMENTS FOR COTTAGE CHEESE BEARING USDA OFFICIAL IDENTIFICATION

§ 58.526 Official identification.

(a) Only cottage cheese manufactured and packaged in accordance with the requirements of this part and with the applicable requirements in Subpart A of this part which has been officially inspected in process and found to be in compliance with these requirements may be identified with the official USDA Quality Approved Inspection Shield.

(b) *Nonfat dry milk.* Nonfat dry milk, when used in cottage cheese bearing official identification, shall meet the requirements for U.S. Extra Grade (Spray Process), at time of use, and should be of U.S. Low Heat Classification (not less than 8.0 mg. undenatured whey protein nitrogen per gram of nonfat dry milk). In addition, the nonfat dry milk shall have a direct microscopic count not exceeding 75 million per gram. The age of the nonfat dry milk shall be covered by a USDA grading certificate, evidencing compliance with quality requirements, dated not more than 6 months prior to use of the dry milk. In the interim between manufacture and use, the nonfat dry milk shall be stored in a clean, dry, vermin-free space. In any case, if the nonfat dry milk is more than 120 days old, at time of use, it shall be examined for flavor to make certain that it meets the requirements for U.S. Extra Grade.

§ 58.527 Physical requirements.

(a) *Flavor.* The cottage cheese shall possess a mild pleasing flavor, similar to fresh whole milk or light cream and may possess the delicate flavor and aroma of a good lactic starter. The product may possess to a slight degree a feed, acid, or salty flavor but shall be free from chalky, bitter, utensil, fruity, yeasty, or other objectionable flavors.

(b) *Body and texture.* The curd particles shall have a meaty texture, but sufficiently tender to permit proper absorption of cream or cheese dressing. The texture shall be smooth and velvety and shall not be mealy, crumbly, pasty, sticky, mushy, watery, rubbery or slimy or possess any other objectionable characteristics of body and texture. Small curd style (cut with 1/4 inch knives) should have curd particles approximately 1/4 inch or less in size. Large curd style (cut with knives over 1/4 inch) should have curd particles approximately 3/8 inch or more in size.

(c) *Color and appearance.* The finished cottage cheese, creamed or plain curd, shall have an attractive natural color and appearance with curd particles of reasonably uniform size. The creamed cottage cheese shall be uniformly mixed with the cream or dressing properly absorbed or adhering to the curd so as to prevent excessive drainage.

§ 58.528 Microbiological requirements.

Compliance shall be based on 3 out of 5 consecutive samples taken at the time of packaging.

(a) *Coliform.* Not more than 10 per gram.

(b) *Psychrotrophic.* No more than 100 per gram.

(c) *Yeasts and molds.* Not more than 10 per gram.

§ 58.529 Chemical requirements.

(a) *Moisture.* See 58.505(b).

(b) *Milkfat.* See 58.505(b).

(c) *pH.* Not higher than 5.2.

(d) *Phosphatase.* Not more than 4 micrograms of phenol equivalent per gram of cheese.

§ 58.530 Keeping quality requirements.

Keeping quality samples taken from the packaging line shall be held at 45° F. for 10 days. At the end of the 10 day period the samples shall possess a satisfactory flavor and appearance, and shall be free from bitter, sour, fruity, or other objectionable tastes and odors. The surface shall not be discolored, translucent, slimy or show any other objectionable condition.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING FROZEN DESSERTS

DEFINITIONS

§ 58.605 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning as applied to frozen desserts meeting FDA requirements and briefly defined as follows:

(a) *Ice cream.* The product conforming to the requirements of section 20.2 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.2).

(b) *Frozen custard.* The product conforming to the requirements of section 20.2 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.2).

(c) *Ice milk.* The product conforming to the requirements of section 20.3 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.3).

(d) *Sherbet.* The product conforming to the requirements of section 20.4 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.4).

(e) *Mellorine.* The product conforming to the requirements of section 20.8 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.8).

(f) *Overrun.* The trade expression used to reference the increase in volume of the frozen product over the volume of the mix. This increase in volume is due to air being whipped into the product during the freezing process. It is expressed as percent of the volume of the mix.

(g) *Mix.* The trade name for the combined and processed ingredients which after freezing become a frozen dessert.

ROOMS AND COMPARTMENTS

§ 58.619 Mix processing room.

The rooms used for combining mix ingredients and processing the mix shall meet the applicable requirements for rooms specified in section 58.126. The room shall be ventilated to remove moisture and prevent condensation from forming on walls and ceiling. The room shall be well lighted.

§ 58.620 Freezing and packaging rooms.

The rooms used for freezing and packaging frozen desserts shall be adequate in size to permit satisfactory air circulation and maintained in a clean and sanitary condition. The rooms shall be constructed in the same manner as prescribed above for mix rooms.

§ 58.621 Freezing tunnels.

Freezing tunnels for quick freezing at extremely low temperatures shall be designed and constructed as to insure ease in cleaning and satisfactory conditions of operation.

§ 58.622 Hardening and storage rooms.

Hardening and storage rooms for frozen desserts shall be constructed of satisfactory material for this purpose. The rooms shall be maintained in a clean and orderly manner. Adequate shelves, bins, or pallets shall be provided to keep the packages of finished products off the floor and to prevent damage to the containers. Sufficient refrigeration should be provided to insure adequate storage temperature (-10° or lower). Air shall be circulated to maintain uniform temperature throughout the rooms. A vestibule or double entry way should be provided to minimize heat shock of the frozen products.

EQUIPMENT AND UTENSILS

§ 58.623 Homogenizer.

Homogenizer shall comply with 3-A Sanitary Standards.

§ 58.624 Freezers.

Product contact surfaces of freezers used to lower the temperature of the liquid mix to a semi-frozen mass by a stirring action shall be constructed of a stainless steel or equally corrosion resistant metal and all parts easily accessible for cleaning and sanitizing. Batch and continuous freezers should comply with the applicable 3-A Standards.

§ 58.625 Fruit or syrup feeders.

Fruit or syrup feeders inject flavoring material into the semi-frozen product. Product contact surfaces shall be constructed of stainless steel or equally corrosion resistant metal and all pumps shall be in accordance to 3-A Sanitary Standards for dairy equipment. The feeder shall be constructed to enable complete disassembly for cleaning and sanitizing.

§ 58.626 Packaging equipment.

Packaging equipment designed to mechanically fill and close single service containers with frozen desserts shall be constructed so that all product contact surfaces shall be of stainless steel or equally corrosion-resistant metal. All product contact surfaces shall be easily accessible for cleaning. The design and operation of the machine shall in no way contaminate the container of the finished product placed therein. New or replacement equipment shall comply with the 3A Sanitary Standards for Equipment for Packaging Frozen Desserts and Cottage Cheese.

QUALITY SPECIFICATIONS FOR RAW MATERIAL**§ 58.627 Milk and dairy products.**

To produce ice cream and related products the raw milk and cream shall meet the quality requirements as prescribed in section 58.132 through 58.138, except that only commingled milk and cream meeting the bacteriological requirements of No. 1 shall be used.

§ 58.628 Sweetening agents.

Sweetening agents shall be clean and wholesome and consist of one or more of the approved sweeteners listed in section 58.605.

§ 58.629 Flavoring agents.

Flavoring agents either natural or artificial shall be wholesome and free from undesirable flavors. They must impart the desired characteristic to the finished product. Flavoring agents shall be one or more of those approved in section 58.605.

§ 58.630 Stabilizers.

Stabilizers shall be clean and wholesome and consist of one or more of those approved in section 58.605.

§ 58.631 Emulsifiers.

Emulsifiers shall be clean and wholesome and consist of one or more of those approved in section 58.605.

§ 58.632 Acid.

Acids used in sherbet shall be wholesome and of food grade quality and consist of one or more of those approved in section 58.605.

§ 58.633 Color.

Coloring used for ice cream and related products shall be those certified by the U.S. Food and Drug Administration as safe for human consumption.

OPERATIONS AND OPERATING PROCEDURES**§ 58.634 Assembling and combining mix ingredients.**

The assembling and combining of mix ingredients for processing shall be in accordance with clean and sanitary methods and shall be consistent with good commercial practices. All raw materials shall be subjected to inspection for quality and condition prior to being combined and processed into the finished mix. All necessary precautions shall be taken to prevent the contamination of any raw material or the finished mix with any foreign substance.

§ 58.635 Pasteurization of the mix.

Every particle of the mix, except added flavoring ingredients, shall be pasteurized at not less than 155° F. and held at that temperature for 30 minutes or for 175° F. for 25 seconds; or it may be pasteurized by any other equivalent temperature and holding time which will assure adequate pasteurization.

§ 58.636 Homogenization.

Homogenization of the pasteurized mix shall be accomplished to effectively reduce the size of the milkfat globules and evenly disperse them throughout the mix.

§ 58.637 Cooling the mix.

The mix shall be immediately cooled to a temperature of 45° F or lower, and stored at this temperature until further processing begins.

§ 58.638 Freezing the mix.

After the mix enters the freezer, it shall be frozen as rapidly as possible to assure the formation of minute crystals. Proper adjustment of rate of flow, refrigerant and air pressure controls shall be achieved to assure correct overrun and consistency of the product for packaging and further freezing.

§ 58.639 Addition of flavor.

The addition of flavoring ingredients to semi-frozen mix just prior to packaging shall be performed in a clean and sanitary manner. Care shall be taken to insure the flavor injection equipment has been properly cleaned and sanitized prior to use and that the flavor ingredients are of good quality and wholesome.

§ 58.640 Packaging.

The packaging of the semifrozen product shall be done by means which will in no way contaminate the container or the product. When single service containers

and lids are used, they shall be of good construction and protect the finished product. Containers used for frozen products shall be stored and handled in a sanitary manner so as to protect them from dust and bacterial contamination.

§ 58.641 Hardening and storage.

Immediately after the semifrozen product is placed in its intended container it shall be placed in a hardening tunnel or hardening room to continue the freezing process. Rapid freezing to 0° to -15° F is desirable to produce a good textured product.

§ 58.642 Quality control tests.

All mix ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow line samples as often as necessary to check the effectiveness of processing and sanitation and as an aid in correcting deficiencies. Routine analysis shall be made on raw materials and finished products to assure adequate composition, weight or volume control.

§ 58.643 Frequency of sampling.

(a) *Microbiological.* Representative samples shall be taken from each type of mix, and for the finished frozen product one sample from each flavor made.

(b) *Composition.* Representative samples shall be tested for fat and solids-not-fat on each type of mix manufactured. Spot checks shall be made on the finished products as often as is necessary to assure compliance with composition standards.

(c) *Weight or volume control.* Representative samples of the packaged products shall be checked during the packaging operation to assure compliance with the stated volume on the container as well as weight and overrun requirements.

§ 58.644 Test methods.

(a) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, the latest edition of Standard Methods, or by other methods giving equivalent results.

§ 58.645 General identification.

The various types of frozen desserts shall be packaged and labeled in accordance with the applicable regulations of the Food and Drug Administration.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION**§ 58.646 Official identification.**

(a) Only ice cream and related products manufactured and packaged in accordance with the requirements of this part and with the applicable requirements in Subpart A of this part which

have been officially inspected in process and found to be in compliance with these requirements may be identified with the official USDA Quality Approved Inspection Shield.

(b) Dairy products used in the manufacture of frozen desserts for which there are U.S. grades established (nonfat dry milk, whole milk, buttermilk and whey) shall be U.S. Extra Grade or better, and in the case of unsalted butter, shall be no lower than U.S. Grade A. Dairy products for which there are no USDA grade shall meet the applicable requirements of this part which permit such product to bear the USDA Quality Approved Inspection Shield.

§ 58.647 Composition requirements for ice cream.

See section 58.605(a).

§ 58.648 Microbiological requirements for ice cream.

The finished product shall contain not more than 50,000 bacteria per gram as determined by the standard plate count, and shall contain not more than 10 coliform organisms per gram for plain and not more than 20 coliform per gram in chocolate, fruit, nut or other flavors in three out of five samples.

§ 58.649 Physical requirements for ice cream.

(a) *Flavor.* The flavor of the finished ice cream shall be pleasing and desirable, and characteristic of the fresh milk and cream and the particular flavoring used.

(b) *Body and texture.* The body shall be firm, have substance and readily melt to a creamy consistency when exposed to room temperatures; the texture shall be fine, smooth, and have the appearance of creaminess throughout.

(c) *Color.* The color shall be attractive, pleasing, uniform and characteristic of the flavor represented.

§ 58.650 Requirements for frozen custard.

The same requirements apply as for ice cream except plain frozen custard shall have a minimum egg yolk solids content of 1.4 percent, and 1.12 percent when fruits, nuts and other such ingredients are used for flavoring.

§ 58.651 Requirements for ice milk.

The requirements are the same as for ice cream except: (a) the minimum milk fat content shall be 2 percent by weight and the maximum milk fat content 7 percent by weight, (b) the total milk solids content shall be no less than 11 percent by weight, (c) the minimum total food solids weight per gallon shall be 1.3 pounds, (d) no reduction in the standards are permitted when fruits, nuts and other such ingredients are used for flavoring.

§ 58.652 Composition requirements for sherbet.

See section 58.605(d).

§ 58.653 Microbiological requirements for sherbet.

The finished product shall contain not more than 50,000 bacteria per gram as determined by the standard plate count and shall contain not more than 10 coliform organisms per gram in three out of five samples.

§ 58.654 Physical requirements for sherbet.

(a) *Flavor.* The flavor of the finished sherbet shall be pleasing and desirable and characteristic of the particular flavoring used and shall impart a sweet yet tart sensation.

(b) *Body and texture.* The body shall be firm, compact, somewhat chewy and readily melt to an even syrupy consistency at room temperatures; the texture shall be smooth but not as fine as in ice cream and shall be even throughout.

(c) *Color.* The color shall be attractive, pleasing, uniform and characteristic of the flavor represented.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

§ 58.705 Meaning of Words.

(a) *Pasteurized process cheese and related products.* Pasteurized process cheese and related products are the foods which conform to the applicable provisions of Part 19, Title 21, sections 19.750 to 19.790, "Definitions and Standards of Identity for Cheese and Cheese Products," Food and Drug Administration.

(b) *Blend set up.* The trade term for a particular group of vat lots of cheese selected to form a blend based upon their combined ability to impart the desired characteristics to a pasteurized process cheese product.

(c) *Cooker batch.* The amount of cheese and added optional ingredients placed into a cooker at one time, heated to pasteurization temperature, and held for the required length of time.

EQUIPMENT AND UTENSILS

§ 58.706 General construction repair and installation.

The equipment and utensils used for the handling and processing of cheese products shall be as specified in section 58.128 of this subpart. In addition, for certain other equipment the following requirements shall be met.

§ 58.707 Conveyors.

Conveyors shall be constructed of material which can be properly cleaned, will not rust, or otherwise contaminate the cheese, and shall be maintained in good repair.

§ 58.708 Grinders or shredders.

The grinders or shredders used in the preparation of the trimmed and cleaned cheese shall be of corrosion-resistant material, and of such construction as to prevent contamination of the cheese and

to allow thorough cleaning of all parts and product contact surfaces.

§ 58.709 Cookers.

The cookers shall be the steam jacketed or direct steam type. They shall be constructed of stainless steel or other equally corrosion-resistant material. All product contact surfaces shall be readily accessible for cleaning. Each cooker shall be equipped with an indicating thermometer, and shall be equipped with a temperature recording device. The recording thermometer stem may be placed in the cooker if satisfactory time charts are obtained, if not, the stem shall be placed in the hotwell or filler hopper. Steam check valves on direct steam type cookers shall be mounted flush with cooker wall, be constructed of stainless steel and designed to prevent the backup of product into the steam line, or the steam line shall be constructed of stainless steel pipes and fittings which can be readily cleaned. If direct steam is applied to the product only culinary steam shall be used (see section 58.127(d)).

§ 58.710 Fillers.

A strainer should be installed between the cooker and the filler. The hoppers of all fillers shall be covered but the cover may have sight ports. If necessary, the hopper may have an agitator to prevent buildup on side wall. The filler valves and head shall be kept in good repair and capable of accurate measurements. Product contact surfaces shall be of stainless steel or other corrosion resistant material.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.711 Cheddar, colby, washed or soaked curd, granular or stirred curd cheese.

Cheese, used in the manufacture of pasteurized process cheese products should possess a pleasing and desirable taste and odor consistent with the age of the cheese; should have body and texture characteristics which will impart the desired body and texture characteristics in the finished product; and should possess finish and appearance characteristics which will permit removal of all packaging material and surface defects. The cheese should at least meet the requirements equivalent to U.S. Standard Grade for Bulk American Cheese for Manufacturing provided the quantity of the cheese with any one defect as listed for U.S. Standard Grade is limited to assure a satisfactory finished product.

§ 58.712 Swiss.

Swiss cheese used in the manufacture of pasteurized process cheese and related products should be equivalent to U.S. Grade B or better, except that the cheese may be blind or possess finish characteristics which do not impair the interior quality.

§ 58.713 Gruyere.

Gruyere cheese used in the manufacture of process cheese and related products should be of good wholesome quality

and except for smaller eyes and sharper flavor shall meet the same requirements as for Swiss cheese.

§ 58.714 Cream cheese, Neufchâtel cheese.

These cheeses when mixed with other foods, or used for spreads and dips should possess a fresh, pleasing and desirable flavor.

§ 58.715 Cream, plastic cream and anhydrous milkfat.

These food products shall be pasteurized, sweet, have a pleasing and desirable flavor and be free from objectionable flavors, and shall be obtained from milk which complies with the quality requirements as specified in section 58.132 through 58.138 of this Subpart.

§ 58.716 Nonfat dry milk.

Nonfat dry milk used in cheese products should meet the requirements equivalent to U.S. Extra Grade except that the moisture content may be in excess of that specified for the particular grade.

§ 58.717 Whey.

Whey used in cheese products should meet the requirements equivalent to USDA Extra Grade except that the moisture requirement for dry whey may be waived.

§ 58.718 Flavor ingredients.

Flavor ingredients used in process cheese and related products shall be those permitted by the Food and Drug Standards of Identity, and in no way deleterious to the quality or flavor of the finished product. In the case of bulky flavoring ingredients such as pimento, the particles should be, to at least a reasonable degree, uniform in size, shape and consistency. The individual types of flavoring materials should be uniform in color and should impart the characteristic flavor desired in the finished product.

§ 58.719 Coloring.

Coloring shall be Annatto or any other cheese or butter color which is approved by the Food and Drug Administration.

§ 58.720 Acidifying agents.

Acidifying agents if used shall be those permitted by the Food and Drug Administration for the specific pasteurized process cheese product.

§ 58.721 Salt.

Salt shall be free flowing, white refined sodium chloride and shall meet the requirements of The Food Chemical Codex.

§ 58.722 Emulsifying agents.

Emulsifying agents shall be those permitted by the Food and Drug Administration for the specific pasteurized process cheese product, and shall be free from extraneous material.

OPERATIONS AND OPERATING PROCEDURES

§ 58.723 Basis for selecting cheese for processing.

A representative sample shall have been examined to determine fat and moisture content. One sample unit from each vat of cheese shall have been ex-

amined to determine the suitability of the vat for use in process cheese products in accordance with the flavor, body and texture characteristics permitted in sections 58.711 through 58.714 as applicable, and to determine the characteristics it will contribute to the finished product when blended with other cheese. The cheese included in each blend shall be selected on the basis of the desirable qualities which will result in the desired finished product. Recook from equivalent blends may be used in an amount that will not adversely affect the finished product. Hot cheese from the filler may be added to the cooker in amounts which will not adversely affect the finished product.

§ 58.724 Blending.

To as great an extent as is practical, each vat of cheese should be divided and distributed throughout numerous cooker batches. The purpose being to minimize the preponderance and consequent influence of any one vat on the characteristics of the finished product, and to promote as much uniformity as is practical. In blending also consider the final composition requirements for fat and moisture. Quantities of salt, color, emulsifier and other allowable ingredients to be added shall be calculated and predetermined for each cooker batch.

§ 58.725 Trimming and cleaning.

The natural cheese shall be cleaned free of all non-edible portions. Paraffin and bandages as well as rind surface, mold or unclean areas or any other part which is unwholesome or unappetizing shall be removed.

§ 58.726 Cutting and grinding.

The trimmed and cleaned cheese should be cut into sections of convenient size to be handled by the grinder or shredder. The grinding and mixing of the blended lots of cheese should be done in such a manner as to insure a homogeneous mixture throughout the batch.

§ 58.727 Adding optional ingredients.

As each batch is added to the cooker, the predetermined amounts of salt, emulsifiers, color, or other allowable optional ingredients shall be added. However, a special blending vat may be used to mix the ground cheese and other ingredients before they enter the cooker, to provide composition control.

§ 58.728 Cooking the batch.

Each batch of cheese within the cooker, including the optional ingredients, shall be thoroughly commingled and the contents pasteurized at a temperature of at least 158° F. and held at that temperature for not less than 30 seconds or any other equally effective combination of time and temperature approved by the Administrator. Care shall be taken to prevent the entrance of cheese particles or ingredients after the cooker batch of cheese has reached the final heating temperature. After holding for the required period of time, the hot cheese shall be emptied from the cooker as quickly as possible.

§ 58.729 Forming containers.

Containers either lined or unlined shall be assembled and stored in a sanitary manner to prevent contamination. The handling of containers by filler crews should be done with extreme care and observance of personal cleanliness. Preforming and assembling of pouch liners and containers shall be kept to a minimum and the supply rotated to limit the length of time exposed to possible contamination prior to filling.

§ 58.730 Filling containers.

Hot fluid cheese from the cookers may be held in hotwells or hoppers to assure a constant and even supply of processed cheese to the filler or slice former. Filler valves shall effectively measure the desired amount of product into the pouch or container in a sanitary manner and shall cut off sharply without drip or drag of cheese across the opening. An effective system shall be used to maintain accurate and precise weight control. Damaged or unsatisfactory packages shall be removed from production, and the cheese may be salvaged into sanitary containers, and added back to cookers.

§ 58.731 Closing and sealing containers.

Pouches, liners, or containers having product contact surfaces, after filling shall be folded or closed and sealed in a sanitary manner, preferably by mechanical means, so as to assure against contamination. Each container in addition to other required labeling shall be coded in such a manner as to be easily identified as to date of manufacture by lot or subplot number.

§ 58.732 Cooling the packaged cheese.

After the containers are filled they shall be stacked, or cased and stacked in such a manner as to prevent breaking of seals due to excessive bulging and to allow immediate progressive cooling of the individual containers of cheese. As a minimum the cheese should be cooled to a temperature of 100° F. or lower within 24 hours after filling. The temperature of the cheese should be reduced further, before being shipped or if storage is intended.

§ 58.733 Quality control tests.

(a) *Chemical analyses.* The following chemical analyses shall be performed in accordance with the appropriate edition of the Official Methods of Analysis of the AOAC as specified in the appropriate Standards of Identity or in accordance with methods that give equivalent results.

(1) *Cheese.* A representative sample of cheese used in the manufacture of pasteurized process cheese products shall have been tested prior to usage to determine its moisture and fat content.

(2) *Pasteurized process cheese products.* As many samples shall be taken of the finished product direct from the cooker, hopper, filler, or other location as is necessary to assure compliance with composition requirements. Spot checks should be made on samples from the cooker as frequently as is necessary to

indicate pasteurization by means of the phosphatase test, as well as any other tests necessary to assure good quality control.

(b) *Examination of physical characteristics.* As many samples shall be taken as is necessary to assure meeting the required physical characteristics of the products. Representative samples shall be taken from production for examination of physical characteristics. The samples shall be examined at approximately 70° F. the first day of operation after the date of processing for the following characteristics: (1) Finish and appearance, (2) flavor, (3) color, (4) body and texture, and (5) slicing or spreading properties.

(c) *Keeping quality.* During processing or preferably from the cooled stock select sufficient samples at random from the production run. The samples should be stored at approximately 50° F. for 3 months for evaluation of physical characteristics as in (b) above. Additional samples may be selected and held at different temperatures or time.

(d) *Weight control.* During the filling operation as many samples shall be randomly selected and weighed from each production run as is necessary to assure accuracy of the net weight established for the finished products.

REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.734 Official identification.

Only process cheese products manufactured and packaged in accordance with the requirements of this part and with the applicable requirements in Subpart A of this part which have been officially inspected in process and found to be in compliance with these requirements may be identified with official USDA Quality Approved Inspection Shield.

§ 58.735 Quality specifications for raw materials.

§ 58.735(a) Cheddar, colby, washed or soaked curd, granular or stirred curd cheese.

Cheese, used in the manufacture of pasteurized process cheese products which are identified with the USDA official identification shall possess a pleasing and desirable taste and odor consistent with the age of the cheese; shall have body and texture characteristics which will impart the desired body and texture characteristics in the finished product; and shall possess finish and appearance characteristics which will permit removal of all packaging material and surface defects. The cheese shall at least meet the requirements of U.S. Standard Grade for Bulk American Cheese for Manufacturing provided the quantity of the cheese with any one defect as listed for U.S. Standard Grade is limited, to assure compliance with the specifications of the finished product.

§ 58.735(b) Swiss.

Swiss cheese used in the manufacture of pasteurized process cheese and related products bearing official identifica-

tion shall be U.S. Grade B or better, except that the cheese may be blind or possess finish characteristics which do not impair the interior quality.

§ 58.735(c) Gruyere.

Gruyere cheese used in the manufacture of process cheese and related products shall be of good wholesome quality and except for smaller eyes and sharper flavor shall meet the same requirements as for Swiss cheese.

§ 58.735(d) Cream cheese, Neufchatel cheese.

Mixed with other foods, or used for spreads and dips shall possess a fresh, pleasing and desirable flavor.

§ 58.735(e) Cream, plastic cream and anhydrous milkfat.

These food products shall be pasteurized, sweet, have a pleasing and desirable flavor and be free from objectionable flavors, and shall be obtained from milk which complies with the quality requirements as specified in section 58.132 of this Subpart.

§ 58.735(f) Nonfat dry milk.

Nonfat dry milk used in officially identified cheese products shall meet the requirements of U.S. Extra Grade except that the moisture content may be in excess of that specified for the particular grade.

§ 58.735(g) Whey.

Condensed or dry whey used in officially identified cheese products shall meet the requirements for USDA Extra Grade except that the moisture requirement for dry whey may be waived.

§ 58.735(h) Flavor ingredients.

Flavor ingredients used in process cheese and related products shall be those permitted by the Food and Drug Standards of Identity, and in no way deleterious to the quality or flavor of the finished product. In the case of bulky flavoring ingredients such as pimento, the particles shall be, to at least a reasonable degree, uniform in size, shape and consistency. The individual types of flavoring materials shall be uniform in color and shall impart the characteristic flavor desired in the finished product.

(i) *Other ingredients.* For coloring, acidifying agents, salt, and emulsifying agents see sections 58.719, 58.720, 58.721 and 58.722.

QUALITY SPECIFICATIONS FOR FINISHED PRODUCTS

§ 58.736 Pasteurized process cheese.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese and Related Products, Food and Drug Administration. The average age of the cheese in the blend shall be such that the desired flavor, body and texture will be achieved in the finished product. The quality of pasteurized process cheese shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable mild cheese taste and odor char-

acteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked or very slight acid or emulsifier flavor; is free from any undesirable tastes and odors.

(b) *Body and texture.* Shall have a medium-firm, smooth and velvety body free from uncooked cheese particles. Is resilient and not tough, brittle, short, weak, or sticky. It shall be free from pin holes or openings except those caused by trapped steam. The cheese shall slice freely, and shall not stick to the knife or break when cut into approximately 1/8 inch slices. If in sliced form, the slices shall separate readily.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and not be dull or faded. To promote uniformity and a common reference to describe color use the color designations as depicted by the National Cheese Institute standard color guide for cheese.

(d) *Finish and appearance.* The wrapper may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled.

§ 58.737 Pasteurized process cheese food.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese Food and Related Products, Food and Drug Administration. The average age of the cheese in the blend shall be such that the desired flavor, body and texture will be achieved in the finished product. The quality of pasteurized process cheese food shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable mild cheese taste and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked or very slight acid or emulsifier flavors; is free from any undesirable tastes and odors.

(b) *Body and texture.* Shall have a reasonably medium-firm smooth and velvety body and free from uncooked cheese particles. Is resilient and not tough, brittle, short or sticky. It shall be free from pin holes or openings except those caused by trapped steam. The product shall slice freely with only a slight amount of sticking and shall not break when cut into approximately 1/8 inch slices. If in sliced form, the slices shall separate readily.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and not be dull or faded. To promote uniformity and a common reference to describe color use the color designations as depicted by the National Cheese Institute standard color guide for cheese.

(d) *Finish and appearance.* The wrapper may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled.

§ 58.738 Pasteurized process cheese spread and related products.

Shall conform to the applicable provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese Spreads, Food and Drug Administration. The pH of pasteurized process cheese spreads shall not be below 4.0.

The quality of pasteurized process cheese spreads shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable cheese taste and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked, acid, or emulsifier flavor; is free from any undesirable tastes and odors.

(b) *Body and texture.* Shall have a smooth body free from uncooked cheese particles and when packaged shall form into a homogeneous plastic mass, and be free from pin holes or openings except those caused by trapped steam. Product made for slicing shall slice freely when cut into approximately $\frac{1}{8}$ inch slices with only a slight amount of sticking. Product made for spreading shall be spreadable at approximately 70° F.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and not be dull or faded. To promote uniformity and a common reference to describe color the color designations as depicted by the National Cheese Institute standard color guide for cheese may be used.

(d) *Finish and appearance.* Wrappers, if used, may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled. Other containers made of suitable materials shall be completely filled, sealed and not broken or soiled.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING WHEY, WHEY PRODUCTS AND LACTOSE

DEFINITIONS

§ 58.805 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Whey.* That product defined by the regulations of the Food and Drug Administration.

(b) *Dry Whey.* That product resulting from drying fresh whey which has been pasteurized and to which nothing has been added for preservative purposes or

altering the natural acidity. It contains all constituents, except moisture, in the same relative proportions as in the whey.

(c) *Dry Sweet Whey.* Dry whey not over 0.16 percent titratable acidity on a reconstituted basis.

(d) *Dry Whey — % Titratable Acidity.* Dry whey over 0.16 percent, but below 0.35 percent titratable acidity on a reconstituted basis. The blank being filled with the actual acidity.

(e) *Dry Acid Whey.* Dry whey with 0.35 percent or higher titratable acidity on a reconstituted basis.

(f) *Modified Whey Products:*

(i) Partially demineralized whey.

(ii) Partially delactosed whey.

(iii) Demineralized whey, and

(iv) Whey protein concentrate-products defined by regulations of the Food and Drug Administration.

(g) *Lactose (milk sugar).* That food product defined by regulations of the Food and Drug Administration.

ROOMS AND COMPARTMENTS

§ 58.806 General.

Dry storage of product, packaging room for bulk product, and hopper or dump room shall meet the requirements of §§ 58.210 through 58.212 as applicable.

EQUIPMENT AND UTENSILS

§ 58.807 General construction, repair and installation.

All equipment and utensils necessary for the manufacture of whey, whey products and lactose shall meet the same general requirements for materials and construction as outlined in sections 58.128 and 58.215 through 58.230 as applicable, except for the following:

(a) *Modified Whey Products.* Equipment for whey fractionation, such as ultrafiltration, reverse osmosis, gel filtration, and electrodialysis shall be constructed in accordance with 3-A sanitary design principles, except where engineering requirements preclude strict adherence to such standards. Materials used for product contact surfaces shall meet applicable 3-A Sanitary Standards or Food and Drug Administration requirements. All equipment shall be of sanitary construction and readily cleanable.

(b) *Lactose.* Equipment used in the further processing of lactose following its separation from whey shall have smooth surfaces, be cleanable, free from cracks or crevices, readily accessible for inspection and shall be constructed of non-toxic material meeting applicable Food and Drug Administration requirements and under conditions of use shall be resistant to corrosion, pitting or flaking. (The use of stainless steel is optional).

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.808 Whey.

Whey for processing shall be fresh and originate from the processing of products made from milk meeting the requirements as outlined in section 58.132 through 58.138. Only those ingredients approved by the Food and Drug Administration may be added to the whey for

processing, except when restricted by this subpart. Whey products to which approved ingredients have been added or constituents removed to alter original characteristics for processing or usage shall be labeled to meet the applicable requirements.

OPERATIONS AND OPERATING PROCEDURES

§ 58.809 Pasteurization.

(a) All fluid whey used in the manufacture of dry whey, dry whey products, modified whey products, and lactose shall be pasteurized prior to condensing. When the condensing and drying operations for dry whey take place at the same plant, the pasteurization may be located at a different point in the operation provided it will protect the quality of the finished product and not adversely affect the processing procedure.

(b) Pasteurized products transported to another plant for final processing shall be repasteurized, except that condensed whey containing 40 percent or more solids may be transported to another plant for further processing into dry whey, dry whey products or lactose without repasteurization.

(c) If whey is transferred to another plant for further processing, or if during the processing procedure unpasteurized ingredients are added (except those necessary for lactose crystallization), or processing procedures permit contamination or bacterial growth, the whey shall be repasteurized as close to the final drying operations as possible.

§ 58.810 Temperature requirements.

(a) Unless processed within 2 hours, all whey or condensed whey, except acid type whey with a titratable acidity of 0.40 percent or above, or a pH of 4.6 or below, shall be cooled to 45° F or less, or heated to 145° F or higher. Other temperatures may be used when essential for the technology of the process, such as lactose crystallization and membrane whey separation processes, when the quality and wholesomeness of the product is not impaired.

(b) Recording thermometers shall be required and so located to assure that the cooling or heating requirements in paragraph (a) of this section are met.

§ 58.811 General.

The operating procedures as contained in §§ 58.237 through 58.244, 58.246, 58.247, and 58.443(a) (b) shall be followed as applicable.

§ 58.812 Methods of official sample analysis.

Samples shall be tested according to the applicable methods of laboratory analysis contained in DA Instruction 918-109-2 and 918-109-3 as issued by the USDA, Agricultural Marketing Service, Dairy Division.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.813 Dry Whey.

The quality requirements for dry whey shall be in accordance with the U.S. Standards for Dry Whey.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING EVAPORATED, AND CONDENSED MILK OR ULTRA PASTEURIZED PRODUCTS

DEFINITIONS

§ 58.905 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Evaporated milk.* The liquid food made by evaporating sweet milk to such point that it contains not less than 7.5 percent of milkfat and not less than 25.5 percent of the total milk solids. The finished product shall conform to the requirements of section 18.520 "Definitions and Standards of Identity for Milk and Cream," Food and Drug Administration (21 CFR 18.520).

(b) *Concentrated milk, plain condensed milk.* The product which conforms to the standard of identity for evaporated milk except that it is not processed by heat to prevent spoilage. The container may be unsealed, and stabilizing ingredients are not used. The finished product shall conform to the requirements of section 18.525 "Definitions and Standards of Identity for Milk and Cream," Food and Drug Administration (21 CFR 18.525).

(c) *Sweetened condensed milk.* The liquid or semi-liquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 percent of total milk solids and not less than 8.5 percent of milkfat. The quantity of sugar used is sufficient to prevent spoilage. The finished product shall conform to the requirements of section 18.530 or 18.535, respectively, "Definitions and Standards of Identity for Milk and Cream," Food and Drug Administration (21 CFR 18.530 and 18.535).

(d) *Ultra-pasteurized.* The product shall have been thermally processed at or above 280° F. for at least 2 seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions.

EQUIPMENT AND UTENSILS

§ 58.912 General construction, repair and installation.

The equipment and utensils used for processing and packaging evaporated, condensed or ultra pasteurized dairy products shall be as specified in section 58.128. In addition for certain other equipment, the following requirements shall be met.

§ 58.913 Evaporators and vacuum pans.

All equipment used in the removal of moisture from milk or milk products for the purpose of concentrating the solids should comply with the requirements of

the 3-A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum Pans.

§ 58.914 Fillers.

Both gravity and vacuum type fillers shall be of sanitary design and all product contact surfaces, if metal, shall be made of stainless steel or equally corrosion-resistant material; except that, certain evaporated milk fillers having brass parts may be approved if free from corroded surfaces and kept in good repair. Nonmetallic product contact surfaces shall comply with the requirements for 3-A Sanitary Standards for Plastic, and Rubber and Rubber-Like Materials. Fillers shall be designed so that they in no way will contaminate or detract from the quality of the product being packaged.

§ 58.915 Batch or continuous in-container thermal processing equipment.

Shall comply with Title 21, Chapter 1, Subpart 128b—"Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers." The equipment shall be maintained in such a manner as to assure control of the length of time of processing, and to minimize the number of damaged containers.

§ 58.916 Homogenizer.

Homogenizers where applicable shall be used to reduce the size of the fat particles and to evenly disperse them in the product. Homogenizers shall comply with the applicable 3-A Sanitary Standards.

OPERATIONS AND OPERATING PROCEDURES

§ 58.917 General.

There are many operations and procedures used in the preparation of evaporated, condensed and ultra pasteurized dairy products that are similar, therefore, the following general requirements will apply when such operations or procedures are used.

§ 58.918 Standardization.

The standardization of the product to obtain a finished product of a given composition shall be accomplished by the addition or removal of milkfat, milk solids-not-fat and/or water. The ingredients added to accomplish the desired composition shall be of the same hygienic quality as the product being standardized.

§ 58.919 Pre-heat, pasteurization.

When pasteurization is intended or required by either the vat method, HTST method, or by the HHST method it shall be accomplished by systems and equipment meeting the requirements outlined in section 58.128. Pre-heat temperatures prior to ultra pasteurization will be those that have the most favorable effect on the finished product.

§ 58.920 Homogenization.

Where applicable concentrated products shall be homogenized for the purpose of dispersing the fat throughout the product. The temperature of the product

at time of homogenization and the pressure at which homogenization is accomplished will be that which accomplishes the most desired results in the finished products.

§ 58.921 Concentration.

Concentrating by evaporation shall be accomplished with a minimum of chemical change in the product. The equipment and systems used shall in no way contaminate or adversely affect the desirability of the finished product.

§ 58.922 Thermal processing.

The destruction of living organisms shall be performed in one of the following methods. (a) The complete in-container method, by heating the container and contents to a range of 212° F. to 280° F. for a sufficient time; (b) by a continuous flow process at or above 280° F. for at least 2 seconds, then packaged aseptically; (c) the product is first processed according to methods as in (b), then packaged and given further heat treatment to complete the process.

§ 58.923 Filling containers.

(a) The filling of small containers with product shall be done in a sanitary manner. The containers shall not contaminate or detract from the quality of the product in any way. After filling, the container shall be hermetically sealed.

(b) Bulk containers for the product shall be suitable and adequate to protect the product in storage or transit. The bulk container (including bulk tankers) shall be cleaned and sanitized before filling, and filled and closed in a sanitary manner.

§ 58.924 Aseptic filling.

A previously ultra pasteurized product shall be filled under conditions which prevent contamination of the product by living organisms or spores. The containers prior to being filled shall be sterilized and maintained in a sterile condition. The containers shall be sealed in a manner that prevents contamination of the product.

§ 58.925 Sweetened condensed.

After condensing, the sweetened condensed product should be cooled rapidly to about 85° F. to induce crystallization of the oversaturated lactose. When the desired crystallization is reached further cooling is resumed to 68°-70° F.

§ 58.926 Heat stability.

Prior to thermal processing of concentrated products and where stabilizers are allowed, tests should be made on the heat stability of the product to determine necessity for, and the amount of stabilizer needed. Based on the stability tests, safe and suitable stabilizers and emulsifiers may be added.

§ 58.927 Storage.

Finished products which are to be held more than 30 days should be stored at temperatures below 72° F. Precautions shall be taken to prevent freezing of the product.

§ 58.928 Quality control tests.

All dairy products and other ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow samples as often as is necessary to check the effectiveness of processing and manufacturing and as an aid in correcting deficiencies. Routine analyses shall be made on raw materials and finished products to assure adequate composition control. For each batch or production run a keeping quality test shall be made to determine product stability.

§ 58.929 Frequency of sampling for quality control.

(a) *Composition.* Sampling and testing for composition shall be made on batches of product as often as is necessary to control composition. On continuous production runs, enough samples shall be taken throughout the run to adequately assure composition requirements.

(b) *Other chemical analysis or physical analysis.* Such tests shall be performed as often as is necessary to assure compliance with standards, specifications or contract requirements.

(c) *Weight or volume control.* Representative samples of the packaged products shall be checked during the filling operation to assure compliance with the stated net weight or volume on the container.

(d) *Keeping quality and stability.* A minimum of one sample from each batch of product or one representative sample per hour from a continuous production run shall be taken. For continuous runs, samples shall be taken at the start, each hour, and at the end of the run. Samples should also be taken after resumption of processing following an interruption in continuous operation. Each sample shall be incubated at 90° F. to 100° F. for seven days.

§ 58.930 Official test methods.

(a) *Chemical.* Chemical analysis, except where otherwise prescribed herein, shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the AOAC or by the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products.

§ 58.931 General identification.

Bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of

manufacturer, processor or distributor, a lot number and coded date of manufacture. Consumer sized containers shall meet the applicable regulations of the Food and Drug Administration.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.932 Milk.

The raw milk shall meet the requirements as outlined in sections 58.132 through 58.138. Unless processed within two hours after being received, it shall be cooled to, and held at a temperature of 45° F. or lower until processed.

§ 58.933 Stabilizers.

Shall be those permitted by the Food and Drug Administration's "Standards of Identity" as optional ingredients for specific products. Stabilizers shall be free from extraneous material, be of food grade quality and not be in violation of the Federal Food, Drug and Cosmetic Act.

§ 58.934 Sugars.

Any sugar used in the manufacture of sweetened condensed or sterilized milk products shall be refined, and of food grade quality.

§ 58.935 Chocolate and cocoa.

Such products used as flavor ingredients shall meet the requirements of the Food and Drug Administration, "Definitions and Standards of Identity for Cocoa Products."

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.936 Milk.

To process and Package evaporated and condensed milk of ultra-pasteurized dairy products eligible for official identification with the USDA Quality Approved Inspection Shield the raw incoming milk shall meet the requirements as outlined in sections 58.132 through 58.138. Unless processed within two hours after being received, it shall be cooled to, and held at a temperature of 45° F. or lower until processed.

§ 58.937 Physical requirements for evaporated milk.

(a) *Flavor.* The product shall possess a sweet, pleasing and desirable flavor with not more than a definite cooked flavor. It shall be free from scorched, oxidized or other objectionable tastes and odors.

(b) *Body and texture.* The product shall be of uniform consistency and appearance. It shall be smooth and free from fat separation, lumps, clots, gel formation, coarse milk solids precipitate or sedimentation and extraneous material.

(c) *Color.* The color shall be of a natural white or light cream.

(d) *Degree of burn-on.* The interior walls of the container shall not show excessive burn-on of product (product fused to more than 75 percent of the inner surface of the can).

(e) *Keeping quality.* Samples incubated at 90-100° F shall show no sensory, chemical or microbiological deterioration after seven days.

§ 58.938 Physical requirements and microbiological limits for sweetened condensed milk.

(a) *Flavor.*—Shall be sweet, clean, and free from rancid, oxidized, scorched, fermented, stale or other objectionable tastes and odors.

(b) *Color.* Shall be white to light cream.

(c) *Texture.* Shall be smooth and uniform, free from lumps or coarse graininess. There shall not be sufficient settling of the lactose to cause a deposit on the bottom of the container.

(d) *Body.* Shall be sufficiently viscous so that the product upon being poured at room temperature piles up above the surface of that previously poured, but does not retain a definite form.

(e) Microbiological limits.

(1) Coliforms, less than 10 per gram; (2) yeasts, less than 5 per gram; (3) molds, less than 5 per gram; (4) total plate count, less than 1,000 per gram.

(f) *Keeping quality.* Samples incubated at 90-100° F shall show no physical evidence of deterioration after seven days.

(g) *Composition.* Shall meet the minimum requirements as set forth in the "Standards of Identity for Milk and Cream," Food and Drug Administration (21 CFR 18.530). In addition, the quantity of refined sugar used shall be sufficient to give a sugar-in-water ratio of not less than 61.5 percent.

(h) *Sediment.* The amount of sediment retained on a lintine disc after a sample composed of 225 grams of product dissolved in 500 ml. of 140° F. water has passed through it, shall not exceed 0.10 mg. as indicated by the USDA Sediment Standard for Milk and Milk Products, (7 CFR 58.2726).

The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C. this 2nd day of October 1975, to become effective January 2, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-26976 Filed 10-9-75; 8:45 am]

federal register

FRIDAY, OCTOBER 10, 1975



PART III:

GENERAL SERVICES ADMINISTRATION



AUDIT OF TRANSPORTATION PAYMENTS

FPMR Temporary Regulation G-23

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Temp. Reg. G-23]

PART 101-41—AUDIT OF TRANSPORTATION PAYMENTS

• 1. Purpose. This regulation establishes in 41 CFR Chapter 101—Federal Property Management Regulations, those policies and procedures formerly set forth in 4 CFR Subchapter D—Transportation, governing the audit of payments for domestic and foreign freight and passenger transportation services furnished for the account of the United States. •

2. Effective date. This regulation is effective on October 12, 1975.

3. Expiration date. This regulation expires September 30, 1976, unless sooner revised or superseded. Prior to the expiration date, this regulation will be codified in the permanent regulations of the General Services Administration (GSA) appearing in Title 41 CFR, Public Contracts and Property Management.

4. Applicability. The provisions of this regulation apply to all agencies as defined in § 101-41.002 of attachment A.

5. Background. a. Prior to the enactment of the General Accounting Office Act of 1974 (Pub. L. 93-604; 88 Stat. 1959), the Comptroller General of the United States was responsible for promulgating regulations governing the auditing and adjusting of payments for transportation services furnished for the account of the United States. That authority was vested in the Comptroller General by the Transportation Act of 1940, as amended (49 U.S.C. 66). However, Pub. L. 93-604 further amended the Transportation Act transferring authority for the audit of transportation payments from the Comptroller General to the Administrator of General Services, or his designee.

b. Pursuant to certain provisions of Pub. L. 93-604, a detailed plan was published in the FEDERAL REGISTER on August 12, 1975 (40 FR 33867) for the transfer of personnel and related resources from the General Accounting Office to GSA, such transfer to be effective on October 12, 1975.

c. This regulation, promulgated by the Administrator of General Services, provides for the continuity of legal relationships between Government agencies and those commercial activities which provide transportation services thereto for the account of the United States by transferring and restructuring the applicable policies and procedures from Title 4 CFR Subchapter D—Transportation, and Title 5 of the GAO Policy and Procedures Manual for Guidance of Federal Agencies to Title 41 CFR—Public Contracts and Property Management. Likewise, the Comptroller General of the United States will promulgate appropriate amendments to Title 4 CFR and Title 5 of the GAO Manual.

7. Policy. The attachment A to this regulation is hereby made a part of the regulations of GSA as 41 CFR 101-41 subject to the intent to codify such regulations as set forth in paragraph 3.

8. Assistance. Agencies may request the assistance of GSA in complying with the provisions of this regulation by contacting the General Services Administration (FZAPP), Chester A. Arthur Building, Washington, D.C. 20406.

9. Distribution. a. This regulation will be distributed to (1) Government activities that have submitted a GSA Form 2053, Agency Consolidated Requirements for GSA Regulations and External Issuances, and (2) Government and non-Government activities identified on a GAO-furnished list as having previously established requirements to receive changes to Title 5 of the GAO Policy and Procedures Manual for Guidance of Federal Agencies.

b. Government activities should verify their continuing requirements for GSA regulations pertaining to the audit of transportation payments (FPMR 101-41). In the event a Government activity receives a duplicate distribution of this regulation, or receives distribution from only the GAO furnished list, the publications liaison officer of the involved activity should be advised to submit an updated GSA Form 2053 to the General Services Administration (FFP), Washington, D.C. 20406, reflecting the required bulk quantity of FPMR Subchapter G issuances. Procedures for submission of GSA Form 2053 are in FPMR 101-1.104-2.

c. Non-Government activities identified on the GAO-furnished list mentioned in a, above, will continue to receive GSA regulations pertaining to the audit of transportation payments. Changes to requirements on this list should be sent to the address shown in paragraph 10 until further notice.

10. Agency comments. Agency comments with regard to clarification of the policies and procedures in attachment A may be sent to the General Services Administration (FFY), Washington, DC 20406, no later than January 31, 1976, for possible incorporation into the permanent regulation.

11. Effect on other issuances. Where the provisions of other regulations and related issuances are in conflict with the provisions of attachment A to this regulation, the provisions of the latter shall prevail.

Dated: October 9, 1975.

ARTHUR F. SAMPSON,
Administrator of
General Services.

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101-41.301	Exceptions to regulations.	101-41.309-2	Motor carrier or freight forwarder destination storage-in-transit of household goods or mobile dwellings.	AUTHORITY: The provisions of this Part 101-41 are issued under Sec. 322, 54 Stat. 955, as amended; 49 U.S.C. 66.	
101-41.302	Standard forms relating to shipment, transportation, and delivery of property.	101-41.310	Billing and payment of freight and express transportation charges.	§ 101-41.000 Scope of part.	
101-41.302-1	Listing of forms.	101-41.310-1	Carrier billing forms.	This part sets forth policies and procedures governing the audit of payments for domestic and foreign freight and passenger transportation services furnished for the account of the United States; provides for uniformity in the procurement of and payment for such services; and furnishes information and guidance to agencies as defined in § 101-41.002, common and contract carriers and forwarders, and all others concerned. It continues those regulations and other information formerly in Title 4 CFR Subchapter D—Transportation, as amended, pertinent to the transportation audit function for which relocation has been authorized by Pub. L. 93-604; 88 Stat. 1959, approved January 2, 1975.	
101-41.302-2	Descriptions and distribution of bills of lading.	101-41.310-2	Preparation of carrier's bills.	§ 101-41.001 Applicability of part.	
101-41.302-3	Terms and conditions governing acceptance and use of U.S. Government bills of lading.	101-41.310-3	Separate billing for household goods shipments.	The provisions of this part are applicable to all agencies whose payments for transportation services are subject to audit as provided by section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66).	
101-41.302-4	General instructions for the preparation of U.S. Government bills of lading and common problem areas.	101-41.310-4	Presentation and payment of carriers' bills.		
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§ 101-41.002 Definitions.

"Agency" as used in this Part 101-41 means: Any department, agency, or establishment of the United States Government whose payments for transportation services are subject to the transportation audit provisions of section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66).

§ 101-41.003 Exceptions to regulations.

Exceptions to the regulations in this Part 101-41 shall be granted only by the Administrator of General Services or his designee.

§ 101-41.004 Agency implementation.

(a) Agencies shall issue new or revise existing regulations and procedures to conform to the provisions of this Part 101-41 and shall forward two copies of such new or revised regulations and procedures to the General Services Administration (GSA), Chester A. Arthur Building, Washington, DC 20406.

(b) Government corporations may adopt all or part of the provisions of this Part 101-41 provided advance notice of the extent thereof and the effective date of adoption is sent to the address shown in paragraph (a) of this section.

Subpart 101-41.1—General

§ 101-41.100 Scope of subpart.

This subpart provides policy guidance of a general nature concerning the audit of transportation payments.

§ 101-41.101 Examination of payments, settlement of claims, and review of requirements.

Section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66), requires payment of carrier bills, in general, upon presentation and prior to audit by the General Services Administration. Further, provisions of the act approved June 1, 1942 (31 U.S.C. 82 g), relieve certifying and disbursing officers for overpayments made for transportation furnished on U.S. Government bills of lading and transportation requests when such overpayments are due to the use of improper transportation rates or classifications or to the failure to deduct proper amounts under agreements.

(a) The authority transferred from the Comptroller General of the United States to the Administrator of General Services, or his designee, by Pub. L. 93-604 enables the General Services Administration to:

- (1) Examine, settle, and adjust accounts involving payments for transportation and related services for the account of the United States;
- (2) Adjudicate and settle transportation claims by and against the United States; and
- (3) Deduct the amount of any overcharge by any carrier or forwarder from any amount subsequently found to be due such carrier or forwarder (49 U.S.C. 66).

(b) The Administrator of General Services, or his designee, will exercise such authority subject to:

- (1) The direction of the President;

(2) Fiscal and policy control of the Office of Management and Budget; and

(3) Decisions of the Comptroller General of the United States resulting from Federal agency or common and contract carrier appeals involving disputed claims by and against the United States or issued under the authority vested in the Comptroller General by the Budget and Accounting Act of 1921, as amended (31 U.S.C. 41) and the Accounting and Auditing Act of 1950, as amended (31 U.S.C. 65).

§ 101-41.102 GSA responsibilities and functions.

(a) With respect to the audit of transportation payments, and under the statutory authority therefor, the General Services Administration is responsible for and will accomplish the functions set forth in paragraphs (a) (1) through (a) (9) of this section.

(1) Examine and analyze payments for freight and passenger transportation services furnished for the account of the United States to determine their validity, propriety, and conformity with tariffs, quotations, agreements, or tenders and make such adjustments as may be required to protect the interests of the United States;

(2) Examine, adjudicate, and settle transportation claims by and against the United States;

(3) Collect from carriers by refund, setoff, or other means, amounts determined to be due the United States;

(4) Compromise, terminate, or suspend debts due on transportation overcharges;

(5) Prepare reports to the Attorney General of the United States setting forth recommendations as to the legal and technical bases available for use in prosecuting or defending suits by or against the United States and provide technical, fiscal, and factual data from records relative thereto;

(6) Provide transportation specialists and lawyers as expert witnesses and assist in pretrial conferences and in drafting pleadings, orders, and briefs in connection with transportation suits by or against the United States;

(7) Review agency policies, programs, and procedures to determine their adequacy and effectiveness insofar as they relate to the audit of freight and passenger transportation payments, and review related fiscal and transportation practices;

(8) Furnish information on rates, fares, routes, and related technical data to agencies upon request; and

(9) Inform agencies of irregular shipping and routing practices, inadequate commodity descriptions, excessive transportation cost authorizations, and unsound principles affecting in traffic and transportation management.

(b) The General Services Administration also makes technical examinations of payments to and claims by or against carriers for transportation services procured on commercial or Government documentation by certain Government agencies and corporations exempted

from submitting transportation payment documents for centralized audits.

(c) Federal agencies are continuously attempting to improve Government transportation practices and procedures. In this regard, the General Services Administration, independently or in cooperation with other agencies, will confer with individual carriers or carrier groups and associations representing all modes of transportation to resolve mutual problems concerning technical and accounting matters and to acquaint them with the requirements of the Federal Government.

(d) Carriers' accounting and traffic officials may visit the transportation audit facilities of the General Services Administration to discuss transportation audit matters. These facilities, presently located in the General Accounting Office Building, will be relocated to the Chester A. Arthur Building, 425 Eye Street, NW, Washington, DC. The mailing address is: General Services Administration (FZA), Chester A. Arthur Building, Washington, DC 20406. Notice of an intended visit and, where necessary, an outline or a list of subjects for discussion should be furnished in advance so that necessary internal arrangements can be made and the required records assembled.

Subpart 101-41.2—Passenger Transportation Services Furnished for the Account of the United States

§ 101-41.200 Scope and applicability of subpart.

This subpart sets forth regulations and procedures governing the procurement of and the billing and payment for passenger transportation services for the account of the United States.

§ 101-41.201 Exceptions to regulations.

Exceptions to regulations in this subpart may be made only after receipt of written approval of the Administrator of General Services or his designee. Requests for exceptions shall be made in writing to the General Services Administration (FZA), Chester A. Arthur Building, Washington, DC 20406.

§ 101-41.202 Standard forms relating to passenger transportation.

The Standard forms set forth in § 101-41.202(a) through § 101-41.202(h) are prescribed for use in connection with the procurement of passenger transportation services for the account of the United States.

(a) SF 1169, U.S. Government Transportation Request (Original).

(b) SF 1169a, Memorandum Card Copy.

(c) SF 1169b, Duplicate (snapout assembly only).

(d) SF 1169c, Triplicate (snapout assembly only).

(e) SF 1170, Redemption of Unused Tickets.

(f) SF 1171, Public Voucher for Transportation of Passengers (Original).

(g) SF 1171a, Memorandum Copy.

(h) SF 1172, Certificate in Lieu of Lost U.S. Government Transportation Request.

§ 101-41.202-1 U.S. Government Transportation Request, SF 1169.

U.S. Government transportation request forms are bound in books of 10 sets, each set consisting of one original (SF 1169) and one memorandum copy (SF 1169a) on punched card stock; or in individual snapout assemblies consisting of the original and memorandum card copy and two paper copies (SF 1169b and SF 1169c). The transportation requests are serially prenumbered and prepunched with that number at the time of manufacture.

(a) The original (blue), given to the traveler for presentation to the ticket agent of the issuing carrier, is evidence of service or accommodations required, and shall, except as hereinafter provided, be used as a supporting document with the carrier's bill for the transportation charges.

(b) The memorandum card copy and the duplicate and triplicate paper copies are distributed as directed by the regulations of the respective agency.

(c) SF 1169 assemblies are numbered sequentially in 7 digits with an alphabetical prefix assigned to differentiate between civil and military agencies as follows:

(1) Civil agencies, books of 10; the prefix starts at A and advances forward through the alphabet (i.e., A0,000,001 through A9,999,999, then B0,000,001 through B9,999,999, etc.)

(2) Civil agencies, individual snapout assemblies; the prefix starts with the letter L and changes in reverse order to K, then J, etc.

(3) Military agencies, individual snapout assemblies; the prefix starts with the letter M and advances to N, then forward through the remainder of the alphabet.

§ 101-41.202-2 Redemption of Unused Tickets, SF 1170.

The SF 1170 consists of an original and three copies assembled in snapout carbonized sets. The original and last copy are punched card stock and the remaining copies are white paper stock.

§ 101-41.202-3 Public Voucher for Transportation of Passengers, SF 1171.

The SF 1171 is printed on white paper, 8½ by 14½ inches overall, including an 8½ by 3½-inch tear-off slip which is to be forwarded to the payee with the check in payment of charges. The memorandum copy, SF 1171a, is printed on yellow paper in the same size as the SF 1171 but without the tear-off slip.

§ 101-41.202-4 Certificate in Lieu of Lost U.S. Government Transportation Request, SF 1172.

The SF 1172 is printed on white paper stock, size 8 by 16½ inches.

§ 101-41.202-5 Procurement of Standard forms by agencies and carriers.

(a) Pursuant to the provisions of § 101-26.302, agencies shall order SF 1169 and SF 1170 assemblies from GSA by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting

activity. With respect to the SF 1169 assemblies, the Region 3 Federal Supply Service of GSA shall maintain a record of the serial numbers imprinted on such forms and the names of the receiving agencies. Agencies may have the name and address of the office to be billed for payment of charges preprinted on the SF 1169 and the name and address of the office to receive the refund preprinted on the SF 1170. Agency numbers, codes, or symbols are not to be preprinted unless specifically authorized by GSA.

(b) Carriers may purchase SF 1171, SF 1171a, and SF 1172 from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or have them printed commercially. When reproducing these forms, carriers shall ensure that the forms conform to the exact size, wording, and arrangement of the approved Standard forms and, while no minimum grade of paper will be set, carriers shall provide a reasonable grade of paper stock. Standard Forms 1171 and 1171a may also be reproduced as continuous-feed forms for machine billing by adding pin-feed strips on the margins, provided the forms conform otherwise to the exact size, wording, arrangement, etc., of the approved Standard forms. Any deviations must be approved in writing by GSA.

§ 101-41.203 Procurement of passenger transportation services.

§ 101-41.203-1 Procurement from carriers.

All passenger transportation services, whether procured by the use of cash or the Government transportation request, generally must be procured direct from carriers.

§ 101-41.203-2 Use of cash.

(a) Cash shall be used to procure all passenger transportation services costing less than \$10, exclusive of Federal transportation tax, unless special circumstances justify the use of transportation requests as provided in § 101-41.207-1.

(b) Agencies have the option of requiring a traveler to use cash to procure passenger transportation services within and between the 50 States and the District of Columbia costing from \$10 to \$100, exclusive of Federal transportation tax, for each trip authorized on an official travel authorization. Cash should also be used to pay excess air baggage charges in amounts up to \$15 for each leg of a trip. However, agencies shall not impose a financial hardship on the traveler by requiring the use of personal funds to purchase such services but shall provide the funds through travel advances.

(c) The traveler using cash to purchase individual passenger transportation services shall procure such services subject to the limitation provided in § 101-41.203-1 and shall account for those expenses on his travel voucher (SF 1012) furnishing pertinent passenger coupons or other evidence as appropriate in support thereof. Moreover, the traveler shall assign to the Government his right to recover any excess payment involving a carrier's use of improper

rates. That assignment shall be in the form of a statement on the travel voucher providing: "I hereby assign to the United States any rights I may have against other parties in connection with any reimbursable charges described herein."

(d) Further, each traveler using cash to procure passenger transportation services shall be made aware of the provisions of § 101-41.209-4 concerning a carrier's liability for liquidated damages for failure to provide confirmed reserved space.

§ 101-41.203-3 Quantity (bulk) ticket purchases.

Quantities of transportation tickets for use by persons traveling for the account of the United States may be procured through the issuance of a single U.S. Government transportation request. Tickets and/or tokens for intracity transportation involving the use of local or short-haul transit service may be similarly purchased in bulk quantities. Each transportation request issued for the procurement of tickets or tokens shall be identified as "Bulk Purchase" and tickets so procured shall bear the words "Government" and "Not Redeemable For Cash Except By The U.S. Government."

(a) Discretionary authority to approve use of quantity purchase procedures. The head of an agency, or his designee, may approve the issuance of one U.S. Government transportation request, in lieu of individual requests or purchase orders, to procure a quantity of tickets or tokens.

(b) Limitations on conditions for making quantity purchases. The discretionary authority to use bulk purchase procedures is restricted to situations wherein:

(1) A continuing substantial volume of individual travel via the same mode and class of transportation is required between one origin and one destination;

(2) Each one-way single fare for such transportation does not exceed \$50 with a corresponding maximum of \$100 for the round trip exclusive of Federal transportation tax; and

(3) Each group of tickets or tokens is to be used within any one 60-day period of a fiscal year.

(c) Agency regulations governing use of the quantity purchase system. Each agency adopting the quantity ticket purchase method shall issue internal instructions clearly defining the particular circumstances and conditions under which transportation tickets may be purchased in quantity. Further, each agency shall establish specific accountability controls for stocks of tickets and tokens and for periodically reviewing its regulations to ensure maintenance of a reasonable and objective quantity purchase program.

§ 101-41.203-4 Reduced rate services.

Through fares, special fares, commutation fares, excursion fares, and reduced rate one-way and round-trip fares shall be used for official travel when it can be determined prior to starting a trip that

use of such service would be more practical and economical.

§ 101-41.203-5 Joint procurement of rail transportation and accommodations.

When the need for sleeping or parlor car accommodations is known at the time the rail transportation services are authorized, a single transportation request shall be issued for joint procurement of transportation and accommodations. A separate transportation request may be used to procure accommodations if such service is authorized after procurement of the rail transportation ticket; such request shall bear the name of the carrier issuing the sleeping or parlor car ticket and, where known, reference to the number of the U.S. Government transportation request covering the rail transportation service.

§ 101-41.204 Contracts and tenders.

§ 101-41.204-1 Contracts.

With the exception of contracts for intracity bus service and contracts entered into by the Military Airlift Command and the Military Sealift Command, the original of each contract, negotiated or otherwise, naming rates or charges for passenger transportation services shall be transmitted by agencies, promptly upon execution, to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406.

§ 101-41.204-2 Tenders.

Tenders or quotations of special rates, fares, charges, or concessions for common or contract carrier passenger transportation services, including those made under section 22 of the Interstate Commerce Act, as amended, (49 U.S.C. 22), shall be submitted promptly in writing by the negotiating agencies to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406.

§ 101-41.204-3 Procurement and billing of contract-offered service.

Any service offered under a contract or tender shall be obtained by issuance of a transportation request bearing the number of the pertinent contract or tender. The carrier shall bill its charges for such service on SF 1171, Public Voucher for Transportation of Passengers.

§ 101-41.205 Procurement of chartered service.

When air or bus service is chartered for the account of an agency, the terms of the charter must be in writing and signed by authorized representatives of the Government and the carrier. A transportation request must be issued to procure such chartered service and must be accompanied by the original charter order or certificate when it is presented for payment of charges on SF 1171, Public Voucher for Transportation of Passengers.

§ 101-41.206 [Reserved]

§ 101-41.207 Use, preparation, and disposition of U.S. Government Transportation Requests, SF 1169.

§ 101-41.207-1 Use of U.S. Government transportation requests.

Transportation requests shall be issued and used only for officially authorized travel for the account of the United States. Transportation requests shall not be issued or used to obtain personal transportation services or privileges such as extra-fare trains or planes, stopovers, and indirect routings which increase or exceed the cost of the authorized transportation or service. When a service other than authorized is requested by the traveler, the carrier shall collect the additional cost thereof, including the Federal transportation tax, from the traveler at the time the transportation request is exchanged for tickets. Transportation requests shall not be issued to obtain official passenger transportation services costing less than \$10, exclusive of Federal transportation tax, unless special circumstances justify such use.

(a) *Stopovers.* Travelers required to make stops to conduct official business shall use a through ticket with stopover privileges obtained in exchange for only one transportation request. Each stopover shall be specifically identified on the transportation request.

(b) *Taxicab, intracity transit services, toll charges, etc.* Transportation requests shall not be utilized for individually procured taxicab, airport limousine, intracity transit, or so-called drive-yourself type or other for-hire automobile services. Further, they shall not be used as payment for toll road or toll bridge charges.

§ 101-41.207-2 Preparation of U.S. Government transportation requests.

(a) Detailed instructions for the preparation of U.S. Government Transportation Requests, SF 1169, and specimen copies of the requests and related forms will be issued by GSA. In the interim, appendix A to 5 GAO 2000, GAO Policy and Procedures Manual for Guidance of Federal Agencies, as amended by General Accounting Office letter dated January 2, 1974, shall remain in effect.

(b) The Memorandum Card Copy, SF 1169a, shall be prepared simultaneously with SF 1169 and shall clearly show all information, other than signatures, that appears on the SF 1169 (original) at the time of surrender for service. Ticket agents shall not accept the SF 1169a in lieu of the original request.

§ 101-41.207-3 Disposition of spoiled or canceled U.S. Government transportation requests.

A transportation request spoiled in preparation, canceled, or prepared for issuance but not used shall be marked "Canceled" across the face and forwarded immediately through the issuing office to the office maintaining the accountability records. The General Records Schedule 9, Travel and Transportation Records (see Subpart 101-11.4), provides instructions for the disposal of such forms.

§ 101-41.207-4 Accountability for U.S. Government transportation requests.

Each agency shall prescribe procedures to control the procurement, stocking, dis-

tribution, and accountability of transportation requests and shall establish safeguards to prevent the improper or unauthorized use of transportation requests. Each officer and employee of the Government or other person having custody of such requests is responsible for their safekeeping and is liable for amounts which the Government may be required to pay because of improper use of the transportation request resulting from fault or negligence of the custodian.

§ 101-41.208 Validation and honoring of U.S. Government transportation requests.

§ 101-41.208-1 Validation of transportation requests and identification of travelers.

Transportation requests shall be completely filled out and properly signed by the issuing officer so as to be valid for presentation to obtain transportation and/or accommodations. Carrier agents shall not honor requests which are incomplete or unsigned or which show erasures or alterations not validated by the initials of the issuing officer. Carriers shall require the person presenting a valid request to establish his identity as the traveler or party authorized to receive the ticket, exchange order, or other transportation document. In the absence of satisfactory identification, the request shall not be honored.

§ 101-41.208-2 Transportation request identification on tickets.

Carriers shall stamp or endorse each coupon of the ticket, exchange order, or other transportation document with the words "U.S. Government" and the serial number of the transportation request ordering the service.

§ 101-41.208-3 Honoring transportation requests.

The transportation request shall be drawn on the carrier that is expected to furnish the service. However, a carrier other than that named may honor the request, provided it furnishes service comparable to that authorized. When a different service or a service of lesser value is furnished, the type of service and the name of the carrier if other than that named on the request shall be entered on the reverse of the transportation request. Such record shall be signed and dated by the carrier representative and countersigned by the traveler or person in charge of a group of travelers. The traveler or person in charge must similarly endorse the memorandum card copy of the transportation request. If the original and memorandum card copies are unavailable, the traveler or person in charge shall promptly forward written notification of such change to the office which issued the transportation request. The carrier shall bill charges for the changed or lesser cost services to avoid subsequent adjustments with the Government.

§ 101-41.208-4 Issuance and use of sleeping or parlor car tickets when accommodations are not assigned.

(a) At the time a traveler presents a transportation request authorizing sleep-

ing or parlor car accommodations the ticket agent shall issue a ticket therefor even though there is no guarantee that the accommodations will be available. This situation arises when a reservation cannot be made in advance for sleeping or parlor car service authorized (1) to begin at an intermediate point, (2) to begin at the initial point of travel but space is currently exhausted, or (3) for the return portion of a round trip.

(b) It is incumbent upon the traveler holding such ticket to obtain an actual space assignment immediately upon arrival at the point where the authorized accommodation is to be furnished. When the service supplied is different from or of a value less than that authorized by the ticket, the traveler shall secure written acknowledgment of that fact from the local ticket agent or conductor assigning the space and submit it promptly with a written report of the facts and circumstances, including reference to the number of the transportation request exchanged for the ticket, to the office that issued the transportation request. The traveler shall also forward with that report any unused tickets or transportation coupons in his possession.

§ 101-41.208-5 Honoring transportation requests on train for rail and sleeping or parlor car services.

When no ticket agent is on duty, necessitating that rail and/or sleeping or parlor car tickets be obtained at the nearest available point en route, the conductor will (a) honor the transportation request to the first station en route where rail and sleeping or parlor car tickets can be obtained, (b) endorse on the back of the request over his signature the points between which the request was honored without tickets, and (c) obtain the signature of the traveler below the endorsement. The ticket agent at such en route station will issue rail and/or sleeping or parlor car tickets from the initial point of service as authorized on the transportation request in exchange for the transportation request.

§ 101-41.208-6 Honoring transportation requests on train for sleeping or parlor car only.

When a transportation request is presented on the train for sleeping or parlor car accommodations only, the request will be honored by the conductor.

§ 101-41.208-7 Honoring transportation requests by bus drivers.

When a transportation request is presented directly to a bus driver, (a) at a bus station not supplied with the proper ticket forms, (b) at a non-agent station or flag stop, or (c) at a station at which the ticket office is not open for the sale of tickets, the bus driver will honor the request to destination or arrange for its exchange for a ticket at some intermediate point. When the request is exchanged at an intermediate ticket office, it shall be endorsed to show clearly that transportation was furnished from the point of origin of travel, not from the intermediate point at which the request was exchanged for a ticket.

§ 101-41.209 Unused transportation or accommodations.

§ 101-41.209-1 Reporting unfurnished or unused transportation or accommodations.

(a) An individual traveler or a person in charge of a group shall promptly submit a report to the appropriate office of his agency if (1) travel is terminated short of the authorized destination, (2) services actually furnished are different from or of a value less than those authorized and the request cannot be so endorsed, or (3) the return portion of a round-trip ticket is not used. The person making the report shall identify the pertinent transportation request, set forth the pertinent facts, and forward any unused tickets or coupons with the report.

(b) Lacking unused tickets or coupons as evidence of the unfurnished services, the traveler or person in charge of the group shall obtain written acknowledgment of the situation from the carrier's representative for submission with the report. If transportation and/or accommodations are furnished for a lesser number of persons than specified on a party ticket, the carrier's conductor or ticket collector shall note on the pertinent ticket or coupon the number of persons actually transported and the number and type of accommodations furnished.

§ 101-41.209-2 Adjustments for unfurnished or unused services.

All adjustments for unfurnished or unused services in connection with Government transportation must be processed through a Government agency. Travelers, issuing officers, or private individuals are not authorized to receive refunds or credits for unfurnished service or unused tickets or portions thereof issued in exchange for transportation requests. Carriers are accountable to the Government for refunds or adjustments improperly made to issuing officers or individuals traveling at Government expense. (See § 101-41.210 outlining procedures for collecting the value of unused or unfurnished services.)

§ 101-41.209-3 Cancellation of reservations.

A traveler shall cancel reservations for transportation and/or accommodations as soon as he knows that such reservations will not be used. Failure of a traveler to take such action may subject him to liability for cancellation charges assessed by the carrier.

§ 101-41.209-4 Denied boarding compensation.

Each traveler shall be made aware that the tariffs of certain scheduled air carriers require the payment of liquidated damages in certain situations if the carriers fail to provide confirmed reserved space. Since the individual's travel on official business is for the account of the United States, the Government stands to be damaged if a carrier is liable under its tariff provisions for liquidated damages. Thus the traveler who

has been denied confirmed reserved space shall ensure that the carrier liable shows the "Treasurer of the United States" as payee on its compensation check. The traveler shall receipt for the check, retain a copy of the receipt, and forward the check along with the copy of the receipt to his agency for deposit.

§ 101-41.210 Unused transportation refund procedures.

§ 101-41.210-1 Use of redemption of unused tickets, SF 1170.

Standard Form 1170, Redemption of Unused Tickets, shall be used to recover from carriers the value of unused tickets, exchange orders, etc., or portions thereof. A separate SF 1170 must be used for each transportation request, though more than one ticket or adjustment transaction may be related to that request and listed on the redemption form.

§ 101-41.210-2 Agency processing of redemption of unused tickets, SF 1170.

Agencies processing SF 1170 shall require that:

- (a) All copies clearly show the required detail;
- (b) Claims based on other than unused tickets or portions thereof present the essential facts;
- (c) The original and one duplicate copy, together with pertinent unused tickets, are promptly forwarded to the carrier; and
- (d) All other copies are retained by the agency for accounting control.

§ 101-41.210-3 Carrier processing of redemption of unused tickets, SF 1170.

The carrier shall indicate on the original SF 1170 the amount credited to each ticket and the total amount being refunded and return the original with its refund to the agency. A refund that is inconsistent with the information on the SF 1170 shall be explained or computed on the SF 1170 or in an attached letter. A carrier declining to make a refund shall furnish an explanation on the original SF 1170.

§ 101-41.210-4 Agency processing of refunds.

(a) Upon return of the original SF 1170 with the refund, the agency shall record and deposit the refund in conformity with its fiscal procedures and promptly forward the original SF 1170, together with any advice from the carrier as to the basis of the refund, to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406.

(b) Agencies receiving voluntary refunds from carriers for a difference in class of service furnished to travelers or for a transportation service not furnished shall report such refunds on SF 1170 to the General Services Administration (FZATR), showing the amount of the refund and other essential information in the spaces provided.

§ 101-41.210-5 Prohibition against re-billing adjustments by carriers and agencies, and submission of notice of failure to receive refund.

Each carrier shall promptly refund moneys to adjust items listed on the SF 1170 even though the bill covering charges for the related transportation request has not been submitted or paid. Prompt refund will preclude recovery of the value of such items by deduction. Agencies shall not revise carrier bills or require carriers to rebill these items, except as provided in § 101-41.210-6. A carrier's failure to make refund within 3 months from the time of application or to furnish satisfactory explanation as to why no refund is due, or its refusal to make adjustment for unused transportation, shall warrant referral of the matter to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406, for appropriate settlement. The agency will transmit therewith a copy of the pertinent SF 1170, and all related correspondence.

§ 101-41.210-6 Refund procedures covering unused transportation services billed by foreign flag carriers.

(a) Standard Form 1170 and related procedures shall not be used or considered applicable when unused passenger transportation services billed by foreign flag carriers are involved, except as to (1) Canadian or Mexican carriers or (2) foreign flag carriers maintaining billing offices in the United States.

(b) Agencies shall institute procedures to effect recoveries for such unused services by deduction or setoff from the foreign flag carriers' unpaid bills. Both agencies and travelers in foreign areas shall be kept informed of local regulations and requirements to ensure that the interests of the United States will be protected.

§ 101-41.210-7 Cross-referencing deduction vouchers.

Adjustments for unfurnished transportation services not reported on SF 1170 but made by deduction or setoff shall be noted on the deduction voucher with a full description of each unused ticket or portion thereof. Reference shall also be made to the transportation request number and the disbursing officer's voucher on which the request was paid if other than the deduction voucher. The unused ticket or portion thereof shall be forwarded by the agency to the carrier and a copy of the transmittal letter shall be attached to the deduction voucher involved.

§ 101-41.211 Lost or stolen U.S. Government Transportation Requests, SF 1169.

§ 101-41.211-1 Report of lost or stolen transportation requests.

Lost or stolen transportation requests shall be reported promptly in writing by the accountable person to the appropriate agency office. Such report shall include a complete statement of facts. If the lost or stolen transportation request shows the carrier, service desired, and

point of origin, the named carrier and other local initial carriers shall also be notified promptly in writing by the accountable person.

§ 101-41.211-2 Disposition of recovered transportation requests previously reported lost or stolen.

A transportation request that has been reported as lost or stolen but subsequently recovered shall not under any circumstances be used to obtain transportation or accommodations. The recovered transportation request, whether blank or partially or completely filled out, shall be returned promptly to the issuing officer who shall stamp it "Canceled" and forward it through appropriate channels to the office keeping the accountability records. General Services Administration's General Records Schedule 9, Travel and Transportation Records (see Subpart 101-11.4), provides instructions for ultimate disposition of canceled transportation requests.

§ 101-41.211-3 Billing charges for transportation requests lost by carrier.

Carriers losing or misplacing a transportation request may bill charges for the service furnished, provided its Public Voucher for Transportation of Passengers, SF 1171, is supported by (a) a Certificate in Lieu of Lost U.S. Government Transportation Request, SF 1172, and (b) a statement of any other pertinent facts and circumstances. Charges so supported shall be billed separately from charges applicable to other transportation requests. Disbursing officers shall certify on the SF 1172 that the services specified thereon have been furnished, that payment has not been made to any claimant, and that the record has been annotated to prevent duplicate payment. The bill (SF 1171 and SF 1172) may be transmitted to the General Services Administration (FZATR), Chester A. Arthur Building, Washington DC 20406, if the paying agency is unknown.

§ 101-41.211-4 Disposition of transportation requests previously certified lost by carrier.

An original transportation request that has been located after issuance of the certificate in lieu of lost U.S. Government transportation request, together with a citation to the carrier's bill on which the certificate was paid, shall be forwarded promptly to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406.

§ 101-41.212 Accountability for lost or stolen tickets.

Travelers or other accountable persons are responsible for the custody of tickets and other transportation documents received in exchange for transportation requests or other procuring instruments. Failure to safeguard such documents may result in personal liability to the traveler or other accountable person if the tickets or documents are used by unauthorized persons. Agency regulations should caution travelers and other accountable persons of such liability.

§ 101-41.213 "For Carriers Use Only" section on U.S. Government transportation requests.

(a) The boxed section on the U.S. Government transportation request headed "For Carriers Use Only" is reserved for the recording of proper data by the ticket agent and auditor of the billing carrier.

(1) In the "Form and Ticket No." space the ticket agent shall record the ticket number and type of ticket furnished in exchange for the transportation request.

(2) In the "Agent's Value" space, the ticket agent shall enter the cost of the transportation services furnished. Any accommodation charge or other supplementary service, such as parking, switching, extra fare, or excess baggage, shall be listed separately and not included in the amount of the regular transportation charge.

(3) In the "Auditor's Value" space, carriers' audit officers shall enter the charges, as specified in paragraph (a) (2) of this section, for the "Agent's Value."

(b) The date travel commenced shall be shown in the space so designated on the reverse of the transportation request so that tariff applicability may be determined.

§ 101-41.214 Billing and payment of passenger transportation charges.

§ 101-41.214-1 Carrier billing form.

Carriers' charges for transportation services furnished for the account of the United States shall be billed on Public Voucher for Transportation of Passengers, SF 1171. The bill, plus one memorandum copy (SF 1171a) thereof, shall be submitted to the billing office specified on the transportation request. Carriers' bills for transportation charges shall be subject to the standards for payment prescribed in Subpart 101-41.4.

§ 101-41.214-2 Factual support of charges billed.

(a) Documentary evidence of facts, other than those shown on the transportation request or other authorized procurement document that is necessary to support or explain charges billed, shall refer to the number of the request or other document involved, be associated therewith, and made a part of the billing record. Original signed certifications or affidavits, section 22 quotations, charter orders, air ferry or live mileage supports, bus deadhead mileage supports, transfer checks, authorizations, etc., are in this category.

(b) Excess baggage coupons shall show the number of the authorizing transportation request and the complete name and address of the agency to be billed. Each carrier over which baggage is checked shall lift the coupon covering that portion of the journey and furnish the coupon in support of charges billed for the services furnished.

§ 101-41.214-3 Carrier machine punching on transportation requests.

Carriers using 80-column tabulating equipment may elect to punch certain

information in the transportation requests, but are required to use card fields 1-20 and to punch all information as specified below. Fields 21-25 are for optional use by carriers. No other card fields can be used.

Fields	Information
1 to 5.....	Carrier's code no. as published in the Continental Directory of Standard Carrier Alpha Codes (SCAC) and Standard Tariff Agents Codes. Inquiries shall be addressed to the NMFTA Tariff Research Section, ATA Building, 1616 P Street, NW, Washington, DC 20036.
6 to 10.....	Carrier's bill no.
11 to 18.....	Total amount of transportation charges.
19 to 20.....	Federal account (appropriation) symbol. (To be obtained from the Department of the Treasury annual publication "Federal Account Symbols and Titles.")
21 to 25.....	Carrier's optional in-house code.

§ 101-41.214-4 Carrier notations on transportation requests.

Transportation requests should not be subjected to unnecessary notations during the carrier's audit, since it is essential that the requests show only transactions between travelers and carrier agents. This should not be construed, however, as prohibiting mechanized interpretation in the designated spaces of the request or other desirable information notations.

§ 101-41.214-5 Preparation of carrier's billing form.

(a) The billing carrier shall transcribe the serial number of each accompanying transportation request on the face of the voucher (SF 1171), and opposite thereto the applicable charges, and shall complete the column with the total charge. As many transportation requests as may be itemized shall be included on the SF 1171 when charges are being billed to the same office.

(b) The carrier shall properly complete the "Payee Certificate" section of the voucher. Carriers may use a facsimile signature of the carrier's certifying official or a machine-typed officer's name and title, provided that the facsimile signature or machine-typed officer's name and title is autographically initialed by a duly authorized person. The carrier shall properly complete the tear-off portion of the SF 1171 and shall not substitute an SF 1171a for the tear-off portion.

(c) The carrier shall not be required to furnish more than one memorandum copy (SF 1171a) with each voucher to the agency unless so authorized by GSA.

§ 101-41.214-6 Submission of carrier bills with supporting data.

Transportation requests, together with appropriately referenced supporting documentation, shall be placed in an envelope by the carrier and forwarded with the covering SF 1171 for payment. Agencies shall not fold, staple, spindle, or mutilate transportation requests but shall securely attach the envelope to the related SF 1171 to ensure that the trans-

portation requests and supporting materials are kept together.

§ 101-41.214-7 Cross-reference on billings for additional or supplemental services.

Vouchers with transportation requests which extend or supplement services covered by other transportation requests shall be endorsed by the paying office or issuing agency to show the disbursing office (D.O.) voucher number, date of payment, and disbursing office symbol number of the prior payment. Vouchers covering excess baggage charges need not be so endorsed; however, carriers shall not list more than three Government transportation requests on one bill for excess baggage charges.

Subpart 101-41.3—Freight Transportation Services Furnished for the Account of the United States

§ 101-41.300 Scope and applicability.

This subpart sets forth regulations and procedures governing the procurement of and the billing and payment for freight or express transportation services for the account of the United States.

§ 101-41.301 Exceptions to regulations.

Exceptions to the regulations in this subpart may be made only after receipt of written approval of the Administrator of General Services or his designee. Requests for exceptions shall be made in writing to the General Services Administration (GSA), Chester A. Arthur Building, Washington, DC 20406.

§ 101-41.302 Standard forms relating to shipment, transportation, and delivery of property.

The Standard forms set forth in this subpart are prescribed to accomplish the shipment, transportation, and delivery of all property, except that covered in §§ 101-41.304 and 101-41.312, by transportation companies for the account of the United States and the billing and payment of charges therefor.

§ 101-41.302-1 Listing of forms.

(a) SF 1103, U.S. Government Bill of Lading (Original).

(b) SF 1103a, U.S. Government Bill of Lading (Memorandum Copy).

(c) SF 1103b, U.S. Government Bill of Lading (Memorandum Copy—Consignee).

(d) SF 1104, U.S. Government Bill of Lading (Shipping Order).

(e) SF 1105, U.S. Government Freight Waybill (Original).

(f) SF 1106, U.S. Government Freight Waybill (Carrier's Copy).

(g) SF 1109, U.S. Government Bill of Lading (Original Continuation Sheet).

(h) SF 1109a, U.S. Government Bill of Lading (Memorandum Copy—Continuation Sheet).

(i) SF 1109b, U.S. Government Bill of Lading (Memorandum Copy—Consignee—Continuation Sheet).

(j) SF 1110, U.S. Government Bill of Lading (Shipping Order—Continuation Sheet).

(k) SF 1111, U.S. Government Freight Waybill (Original—Continuation Sheet).

(l) SF 1112, U.S. Government Freight

Waybill (Carrier's Copy—Continuation Sheet).

(m) SF 1113, Public Voucher for Transportation Charges (Original).

(n) SF 1113a, Public Voucher for Transportation Charges (Memorandum Copy).

(o) SF 1131, U.S. Government Transit Bill of Lading (Original).

(p) SF 1131a, U.S. Government Transit Bill of Lading (Memorandum Copy).

(q) SF 1131b, U.S. Government Transit Bill of Lading (Memorandum Copy—Consignee).

(r) SF 1132, U.S. Government Transit Bill of Lading (Shipping Order).

(s) SF 1133, U.S. Government Transit Freight Waybill (Original).

(t) SF 1134, U.S. Government Transit Freight Waybill (Carrier's Copy).

§ 101-41.302-2 Description and distribution of bills of lading.

(a) The regular U.S. Government bill of lading and the U.S. Government transit bill of lading are arranged in sets of seven and nine parts each. The sets (all parts being prepared simultaneously) consist of forms arranged in the order set forth in paragraphs (a) and (b), respectively, of this section.

(1) Original bill of lading, making reference to this Subpart 101-41.3 for the terms and conditions of the contract of transportation and containing the description of the articles comprising the shipment and the certificate of delivery; given to carrier upon tender of shipment for use, except as hereinafter provided, as supporting documentation with the voucher covering transportation charges.

(2) Shipping order; retained by carrier's agent at shipping point.

(3) Freight waybill (original); accompanies the shipment or otherwise sent to destination in compliance with origin carrier's instructions; also serves as the substitute billing document when an original U.S. Government bill of lading is lost.

(4) Freight waybill (carrier's copy); for disposition by the carrier.

(5) Memorandum copies (three or five copies); one marked "Fiscal Office Copy," one marked "Memorandum Copy—Consignee," and the remaining copies for use by the shipper for administrative purposes.

(b) The U.S. Government bill of lading continuation sheets also are available in seven and nine part sets and are arranged in order corresponding to the regular and transit bills of lading. The continuation sheets are for use with both the regular bill of lading and the transit bill of lading.

(c) Separate sheets of the memorandum copies (Standard Forms 1103a, 1109a, and 1131a) are available for addition to the respective seven and nine part sets.

§ 101-41.302-3 Terms and conditions governing acceptance and use of U.S. Government bills of lading.

(a) In no case shall prepayment of charges be demanded by the carrier nor collection be made from the consignee. The U.S. Government bill of lading, properly certified and attached to Pub-

lic Voucher for Transportation Charges, SF 1113, shall be presented to the paying office indicated in the "Charges To Be Billed To" section on the face of the bill of lading for payment to:

(1) The last carrier or forwarder in privity with the contract of carriage as evidenced by the covering bill of lading; or

(2) A participating carrier or forwarder in privity with the contract of carriage as evidenced by the covering bill of lading, when submitted with a waiver accomplished by the last carrier (as described in paragraph (a) (1) of this section) in favor of the billing carrier; or

(3) A carrier (as described in paragraph (a) (1) of this section) or its properly designated warehouse agent as authorized in § 101-41.309-2 dealing with certification of shipments in storage; or

(4) An agent of the carrier or forwarder (as described in paragraph (a) (1) or (a) (2) of this section) provided the bill is submitted in the name of the principal. The agent's mailing address may be shown in such bills and the checks drawn in the name of the principal may be mailed to the agent.

(b) The U.S. Government bill of lading is subject to the same rules and conditions as govern shipments made on the usual commercial forms, unless otherwise specifically provided or stated herein.

(c) Shipments made upon the U.S. Government bill of lading shall take a rate no higher than that chargeable had the shipment been made upon the uniform straight bill of lading, uniform express receipt, or any other forms provided for commercial shipments.

(d) No charge shall be made by any carrier for the execution and presentation of U.S. Government bills of lading in manner and form as provided in this Subpart 101-41.3.

(e) The shipment is made at the restricted or limited valuation specified in the tariff or classification or established pursuant to section 22 of the Interstate Commerce Act, as amended, or to other equivalent contract, arrangement, or exemption from regulation at or under which the lowest rate is available, unless otherwise indicated on the face of the U.S. Government bill of lading.

(f) Receipt for the shipment is subject to the annotation of loss, damage, or shrinkage made by the consignee on the delivering carrier's documents and the consignee's copy of the same documents. When loss or damage is not discovered until after delivery of shipment and receipt therefor, the consignee shall notify promptly the nearest office of the last delivering carrier (by telephone if located within the vicinity) and extend privilege of examining the shipment.

(g) In case of loss, damage, or shrinkage in transit, the rules and conditions governing commercial shipments shall not apply as to the period within which notice thereof shall be given the carrier or to the period within which claim therefor shall be made or suit instituted. Deletion of this item will be considered valid only with the concurrence, in writing, of the Government official responsible for making the shipment.

(h) Carrier's rights to shipping charges are not affected by facts set out in the issuing office section of the U.S. Government bill of lading.

(i) The nondiscrimination clauses contained in section 202 of Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex, or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor are incorporated in the U.S. Government bill of lading.

§ 101-41.302-4 General instructions for the preparation of U.S. Government bills of lading and common problem areas.

(a) *Availability of handbook.* Instructions for the preparation of the bills of lading and specimen copies are furnished in the General Services Administration Handbook "How to Prepare & Process U.S. Government Bills of Lading" (national stock number 7610-00-682-6740). Agencies may obtain copies of the handbook by submitting a requisition in FED-STRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Copies of the handbook are also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(b) *Common problem areas.* (1) The "For Use of Destination Carrier Only" section is reserved for the recording of certain data by the accounting officer of the billing carrier and must not be covered by marks or writing by others handling the bill of lading. This boxed section on the memorandum copies of the bill of lading form is not ruled and is available to the issuing officer for showing the estimated transportation charges and such accounting classifications as may be required.

(2) The name of the issuing officer shall be entered in the "For Use of Issuing Office" section in every case, even when the bill of lading is to be used by a contractor as shipper. The issuing officer shall fill in the authority for the shipment and the f.o.b. point named in such contract or purchase order or other authority on all issues, including when the bill of lading is being used by a contractor-shipper.

(3) Erasures, interlineations, or alterations in bills of lading must be authenticated and explained by the person who made them.

§ 101-41.302-5 Pickup, delivery, or trap-car services.

(a) Pertinent sections on the U.S. Government bill of lading indicating that the carrier furnished pickup, delivery, or trap-car service shall be completed and initialed by the shipper or shipper's agent. In certain instances the tariff covering these services provides charges that are in addition to the line-haul rate or charges.

(b) When a shipper or consignee requests pickup, delivery, or trapcar service at origin or destination in connection with a less-than-carload or an any-quantity rail shipment or on shipments

by other modes of transportation and the carrier performs such service at an additional charge, the U.S. Government bill of lading and available copies shall be completed to show that the authorized service was requested of and furnished by the carrier. Such statement is to be signed by or for the person who ordered the service.

§ 101-41.302-6 Special services.

(a) Additional information or facts necessary to support higher charges resulting from accessorial or special services ordered and furnished incident to the line-haul transportation shall be inscribed on the face of the U.S. Government bill of lading in sections designated "Description of Articles" or "Marks" or on the reverse of the bill of lading beneath the caption "Special Services Ordered." The inscription shall contain the name of the carrier upon whom the request was made and the kind and scope of services ordered and shall be signed by or for the person ordering the services. If such an inscription is impractical, a statement containing the information and bearing the number of the covering bill of lading and signed by or for the person who ordered the services will be acceptable.

(b) When the bill of lading is not available, the original and one copy of the statement shall be given to the carrier from whom the services were ordered; the original for transmittal to the billing carrier for presentation with the bill for all transportation charges.

(c) Where accessorial or special services are requested but not furnished, the bill of lading shall be so annotated by the carrier.

§ 101-41.303 Conversion of commercial bills of lading to U.S. Government bills of lading.

§ 101-41.303-1 Necessity for conversion.

U.S. Government bill of lading procedures shall be followed to preclude a commercial bill of lading or commercial express receipt from being used on shipments for the United States, except as provided by law or by this Subpart 101-41.3 or a specific exception to this subpart, as payment of the transportation charges will not be made by the Government on such commercial documents alone. However, when a commercial bill of lading or commercial express receipt is unavoidably used on a shipment of property for the account of the United States under circumstances not authorized herein, the words "TO BE CONVERTED TO A U.S. GOVERNMENT BILL OF LADING" must be conspicuously inscribed on the original and all copies of the commercial document.

§ 101-41.303-2 Conversion of commercial bills of lading.

To convert a commercial bill of lading or commercial express receipt to a U.S. Government bill of lading, the shipper may obtain the signature of the original carrier's agent on the original and all copies and immediately forward the original commercial document to the agency that authorized the shipment for

conversion or in cases where the origin carrier requires the original commercial document, surrender it to the initial carrier's agent for his certification as follows:

INITIAL CARRIER'S AGENT, BY SIGNATURE BELOW, CERTIFIES THAT HE RECEIVED THE ORIGINAL OF THIS DOCUMENT

The certification shall be inscribed on the original and all copies of the commercial bill of lading or commercial express receipt, and a memorandum copy thereof returned to the shipper for forwarding to the authorizing agency.

(a) That agency, on receipt of the original commercial document from the shipper will issue or cause to be issued a U.S. Government bill of lading for the shipment involved. The original commercial document and the issued U.S. Government bill of lading, both properly cross-referenced and securely attached together, shall then be forwarded to the origin carrier for transmittal to the billing carrier for execution of the "certificate of carrier billing for charges."

(b) If the commercial document is surrendered to the initial carrier's agent, the agency authorizing shipment, on receipt of the properly certified memorandum copy of the commercial bill of lading or commercial express receipt from the shipper, will issue or cause to be issued a U.S. Government bill of lading, forward it promptly to the origin carrier for transmittal to the billing carrier, and retain the memorandum copy of the commercial document. The billing carrier, receiving both the original commercial document with the shipment and the U.S. Government bill of lading from the origin carrier, shall execute the "certificate of carrier billing for charges" on the U.S. Government bill of lading, cross-reference both original documents, securely attach them together, and use the documents to support its billing.

(c) The signature of the initial carrier's agent will not be required on U.S. Government bills of lading converted from commercial documents since it will appear on the commercial document attached thereto.

§ 101-41.303-3 Lost commercial bills of lading.

(a) When the original commercial bill of lading or commercial express receipt has been lost or destroyed and therefore not available to the billing carrier, the shipper or origin carrier having an authentic copy of the commercial document in his possession may have it converted to a U.S. Government bill of lading by the agency that authorized the shipment.

(1) The issuing office shall develop procedures to prevent more than one U.S. Government bill of lading being issued for the same shipment.

(2) The agency's finance office likewise shall establish controls to prevent duplicate payment of the transportation charges involved.

(b) The copy of the commercial document and the issued U.S. Government bill of lading, both properly cross-refer-

enced and securely attached together, shall be forwarded to the origin carrier for transmittal to the billing carrier for execution of the carrier's certificate and use as support for the carrier's billing for charges.

(c) Before releasing the copy of the commercial document from which conversion is made and the U.S. Government bill of lading, the agency issuing office shall reproduce two additional copies of the authentic copy of the commercial document; one to be retained by the issuing office and the other to be forwarded to the agency's finance office.

§ 101-41.303-4 Lost original commercial bills of lading subsequently recovered.

When the original commercial bill of lading or commercial express receipt is recovered after conversion of an authentic copy of the commercial document to a U.S. Government bill of lading, the original commercial document shall be forwarded to the finance office of the agency concerned. If settlement of the transportation charges on the U.S. Government bill of lading converted from the copy of the commercial document has agency concerned. If settlement of the original commercial bill of lading or commercial express receipt shall be made void; annotated with the disbursing office (D.O.) voucher number (or the GSA certificate of settlement number), and payment date; and transmitted to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406.

§ 101-41.304 Exception to the use of U.S. Government bills of lading. (See also § 101-41.312(b)(1)).

§ 101-41.304-1 Local storage, drayage, and haulage.

U.S. Government bills of lading shall not be used when local storage, drayage, and hauling services are procured by contract. They may be used, however, when such services are provided for in established tariffs, schedules, or tenders.

§ 101-41.304-2 Limited authority to use commercial forms and procedures.

(a) *Discretionary authority to approve use of commercial forms and procedures.* Subject to the limitations in paragraph (b) of this section, the head of an agency or his designee may elect to use commercial bills of lading or commercial express receipts and commercial procedures rather than the regular U.S. Government bill of lading and related procedures to procure freight or express transportation services for certain small domestic shipments. This discretionary authority is directed toward those shipping situations where it is cumbersome and impractical to issue U.S. Government bills of lading at origin and relatively expensive to convert commercial bills of lading to U.S. Government bills of lading at destination.

(b) *Limitations on use of Commercial forms and procedures.* The use of commercial forms and procedures for small domestic shipments is subject to the lim-

itations and instructions set forth in paragraphs (b)(1) through (b)(4) of this section.

(1) Upon determination that commercial forms and procedures are to be used, the agency shall establish administrative regulations and procedures clearly defining the particular shipping circumstances and conditions for such use. Notice of adoption and any subsequent cancellation of these forms, administrative regulations, and procedures shall be sent to the General Services Administration (FZA), Chester A. Arthur Building, Washington, DC 20406.

(2) A letter of agreement must be executed and filed with the applicable agency by each participating carrier or forwarder (or its agent) signifying acceptance of the arrangements. The letter of agreement shall include the following provision:

The shipments covered by this agreement are subject to the terms and conditions (except as to billing carrier and prepayment) set forth in Standard Form 1103, U.S. Government Bill of Lading, and any other applicable contract or agreement of the carrier for the transportation of shipments for the United States on U.S. Government bills of lading.

(3) The commercial forms and procedures authorized in this section are to be applied only to shipments in which the transportation charges ordinarily do not exceed \$100 per shipment and the occasional exception does not exceed that monetary limitation by an unreasonable amount.

(4) Commercial forms and procedures shall not be used for international shipments or for household goods van shipments.

(c) *Billing of charges for transportation services furnished on commercial forms.* Charges for transportation services furnished under commercial documentation, as authorized by this section, shall be billed by, and paid to, the origin carrier or forwarder and may not be waived to any other carrier or forwarder. Also, these charges shall be billed on the commercial forms customarily used by carriers, rather than on the Public Voucher for Transportation Charges (SF 1113) in order to clearly identify the bills as commercial-type shipments.

(d) *Payment of charges for transportation services procured on commercial forms.* (1) Payment of charges for transportation furnished under the commercial forms and procedures authorized herein are subject to the standards set forth in Subpart 101-41.4.

(2) Payment of charges for transportation services procured on commercial forms as prescribed in this section may be made in advance of completion of service and at either origin or destination upon presentation by the origin carrier or forwarder of the usual ticket, receipt, bill of lading, or equivalent document covering the service involved, subject to later recovery by deduction or otherwise of any payment made for any service not received as ordered by the United States. The commercial document shall be clearly annotated as to the point at which payment shall be made. Further, as to shipments paid at origin, consignee or receiver of a shipment not

received in good order shall so notify the shipper so that proper claim action may be initiated.

(3) Payment may be made in cash from imprest funds at the option of the agency but only with the concurrence of the carrier or forwarder. Imprest fund disbursements, forms, and accountability for the transportation transactions specified herein shall generally be made in accordance with the regulations of the Department of the Treasury and the General Accounting Office relating to imprest funds.

(4) All payments, including supplemental payments, are subject to otherwise applicable statutory limitations.

(e) *Administrative procedures for processing vouchers covering small shipments on commercial forms.* (1) The disbursing forms and documentation prescribed by the Department of the Treasury shall be used for commercial-type billings. Agencies shall not classify these paid bills as transportation vouchers for submission to the General Services Administration for postpayment audit but shall retain them in file for site audit.

(2) Supplemental transportation claims arising after payment of the original bills should ordinarily be settled by agencies direct with the carriers. However, claims involving a doubtful question of law or fact, or a question as to the amounts properly due, may be forwarded to General Services Administration (FZATM) for direct settlement as prescribed in Subpart 101-41.6. The complete record shall be furnished together with citation to the appropriation or fund chargeable if the claim is allowed.

(3) Each agency shall establish adequate procedures and controls to prevent and detect duplicate payments, properly account for expenditures, and require notice from the consignee when a discrepancy in shipment occurs. Agencies may prescribe the use of statistical sampling procedures, in accordance with General Accounting Office regulations, for examining and approving those disbursement vouchers.

§ 101-41.305 Procedures governing shipments accorded transit privileges.

§ 101-41.305-1 General instructions for the preparation of U.S. Government transit bills of lading and common problem areas.

(a) *Availability of handbook.* Instructions for the preparation of transit bills of lading and specimen copies are furnished in the General Services Administration Handbook "How to Prepare & Process U.S. Government Bills of Lading," (national stock number 7610-00-682-6740). Agencies may obtain copies of the handbook by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Copies of the handbook are also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(b) *Common problem areas.* (1) The "For Use of Destination Carrier Only"

section is reserved for the recording of certain data by the accounting officer of the billing carrier and shall not be covered by marks or writing by others handling the transit bill of lading. This boxed section on the memorandum copies of the transit bill of lading form is not ruled and is available to the issuing officer for showing estimated transportation charges and such accounting classifications as may be required.

(2) The name of the issuing officer shall be entered in the "For Use of Issuing Office" section in every case, even when the bill of lading is to be used by a contractor as shipper. The issuing officer must fill in the authority for the shipment and the f.o.b. point named in such contract or purchase order or other authority, including when the bill of lading is being used by a contractor-shipper.

(3) Erasures, interlineations, or alterations in bills of lading must be authenticated and explained by the person who made them.

§ 101-41.305-2 Transit records; processing and distribution.

(a) *Section 22 quotation and tariff requirements.* Transit shipments shall be handled in accordance with the provisions of the applicable quotations issued under section 22 of the Interstate Commerce Act, as amended (49 U.S.C. 22), or of the carriers' tariffs providing the transit privileges.

(b) *Application of transit tonnage.* Inbound transit information shall be provided in the "Transit Reshipping Certificate—Inbound Billing References" section of the U.S. Government transit bill of lading.

(c) *Furnishing transit certificates.* Transit certificates (record of transit tonnage and application) need not be prepared and furnished to the General Services Administration (FZATR) when the paying office normally verifies or enters the inbound billing information in the "Transit Reshipping Certificate—Inbound Billing References" section of the U.S. Government transit bill of lading. If the paying office does not verify or provide inbound billing information, the certificates shall be furnished to General Services Administration (FZATR) as follows:

- (1) One copy promptly after recording the inbound tonnage information, and
- (2) One copy promptly after recording the information on reshipment, partial reshipment, or cancellation.

§ 101-41.305-3 Free or surrendered U.S. Government transit bills of lading.

A free or surrendered transit bill of lading is a bill of lading issued for use with an outbound shipment from the transit installation where the line-haul charge to the transit installation equals or exceeds the through transportation charge plus the transit charge. After completing the "certificate of carrier billing for charges" section in the free bill of lading, the billing carrier shall attach the free bill of lading to the Public Voucher for Transportation Charges (SF 1113) bearing the carrier's bill number and

submit both forms to the paying office of the agency concerned with a check for any amount due the United States.

§ 101-41.305-4 Billing for transit shipments.

A separate Public Voucher for Transportation Charges (SF 1113) with the word "TRANSIT" typed immediately beneath the caption "SERIAL No., INCLUDING SYMBOL," shall be prepared by the carrier for each U.S. Government transit bill of lading.

§ 101-41.305-5 Payment office action on transit billings.

The paying office shall verify and, if necessary, correct the information in the "Transit Reshipping Certificate—Inbound Billing References" section of the U.S. Government transit bill of lading. When the required information is not shown, the paying office shall enter the disbursing office (D.O.) voucher number, bureau voucher number, if any, and the date of payment and disbursing office symbol number of the inbound billing on the transit bill of lading before forwarding the Public Voucher for Transportation Charges (SF 1113) and notice of any refunds to the General Services Administration (FZATR). Transit bill of lading vouchers shall be transmitted to GSA separate from other types of transportation vouchers.

§ 101-41.306 Delivery of property to carrier for shipment and disposition of U.S. Government bill of lading forms.

(a) The shipper (issuing officer or contractor) shall surrender the original bill of lading, shipping order, freight waybill (original), and freight waybill (carrier's copy) to the initial carrier's agent at the time the shipment is tendered. The carrier's agent shall acknowledge receipt of the shipment and the original bill of lading and copies by inserting in the designated spaces in the lower left-hand section of the original (and all copies) of the bill of lading the name of the initial carrier, the date of receipt, and his signature.

(b) The issuing office shall retain a certified memorandum copy (issuing office copy) of the bill of lading and send the SF 1103b or SF 1131b, as applicable, and the SF 1109b, if any, to the consignee. The contractor acting as shipper shall retain one certified memorandum copy, return one copy to the issuing office, and send the consignee copy to the consignee.

(c) On local or single line movements, the carrier shall retain the original Government bill of lading for use as support for billing of charges after properly executing the carrier's certificate of delivery. On interline or intermodal movements, except those falling under the procedures in § 101-41.312, the origin and interline carrier will transmit the original U.S. Government bill of lading to the last line-haul carrier authorized to bill for charges who will execute the carrier's certificate of delivery on the basis of delivery documents and bill for the charges.

§ 101-41.307 Lost U.S. Government bills of lading.

§ 101-41.307-1 Substitute document.

When the original U.S. Government bill of lading has been lost or destroyed, the billing carrier shall use the freight waybill (original), SF 1105 or SF 1133 as applicable, properly certified by the issuing office and the carrier, as a substitute document for billing the transportation charges.

§ 101-41.307-2 Certification of substitute document.

(a) *By issuing office.* The carrier substituting the original freight waybill for the original U.S. Government bill of lading shall obtain a certification from the issuing office, properly signed, dated, and placed on the reverse of the freight waybill, reading: "I CERTIFY THAT THE SERVICES SHOWN ON THIS FREIGHT WAYBILL WERE REQUESTED."

(b) *By carrier.* The certified original freight waybill shall also bear on its reverse a properly executed certificate of delivery showing all information required in the "Certificate of Carrier Billing For Charges" section on the face of the original U.S. Government bill of lading.

§ 101-41.307-3 Issuing office records.

The issuing office shall make note of all certifications of freight waybills in its bill of lading accountability record and promptly notify the responsible payment office so it may take steps to preclude duplicate payment of the transportation charges.

§ 101-41.307-4 Lost original bills of lading recovered before settlement.

When a lost original bill of lading is recovered by either the Government or the carrier before settlement is effected on the basis of the substituted freight waybill, the original bill of lading shall be used for payment of the transportation charges. The freight waybill shall be marked "Cancelled—Original bill of lading located and delivered to the billing carrier" and returned to the issuing office. The payment office concerned shall be notified that payment shall be made on the original U.S. Government bill of lading.

§ 101-41.307-5 Lost original bills of lading recovered after settlement.

When a lost original bill of lading is recovered after settlement is effected on the basis of the freight waybill, the original bill of lading shall be forwarded to the paying office of the agency concerned for cancellation. The original bill of lading shall be inscribed with the disbursing office (D.O.) symbol number, disbursing office voucher number (or the GSA certificate of settlement number), and payment date of the freight waybill settlement voucher and shall be forwarded to the General Services Administration (FZATR).

§ 101-41.307-6 Lost U.S. Government bills of lading and freight waybills (original).

When both the original bill of lading (SF 1103 or SF 1131) and the freight waybill (SF 1105 or SF 1133) are lost or destroyed, the carrier may request from the issuing office a certified true copy of that office's memorandum copy (SF 1103a or SF 1131a) of the bill of lading. The issuing office shall make the certification, as specified in § 101-41.307-2(a), on the reverse of that copy and forward it to the carrier for certification of delivery and billing. If the lost bill of lading (original) or the freight waybill (original) is recovered, the procedures in § 101-41.307-4 or § 101-41.307.5, as applicable, shall be followed.

§ 101-41.308 Accountability for U.S. Government bills of lading.

§ 101-41.308-1 Agency control.

Agencies shall maintain accountability records and physical control of bill of lading stock. Employees responsible for the issuance and use of U.S. Government bill of lading forms shall be held accountable for their disposition. To facilitate recordkeeping and control, the forms are serially numbered when manufactured, as follows:

(a) Regular U.S. Government bill of lading assemblies are sequentially numbered with seven digits and an alphabetical prefix (i.e., A0,000,001 through A9,999,999, progressing to B, then C, etc.).

(b) The U.S. Government transit bill of lading assemblies are sequentially numbered with six digits and a two-letter prefix, the second of which is always T (i.e., AT,000,001 through AT,999,999, then BT, CT, etc.).

§ 101-41.308-2 Disposition of unused bills of lading.

U.S. Government bill of lading forms spoiled in preparation, prepared for issue but not used, or canceled for any other reason shall be returned to the accountable office. Such forms shall be disposed of in accordance with General Records Schedule 9, Travel and Transportation Records. (See Subpart 101-11.4).

§ 101-41.309 Factual support of charges.

§ 101-41.309-1 International ocean shipments of personal effects and household goods.

Each bill submitted by a freight forwarder or carrier for the payment of transportation charges for the overseas movement of household goods and/or personal effects shall be supported by a copy of the ocean freight bill along with the U.S. Government bill of lading.

§ 101-41.309-2 Motor carrier or freight forwarder destination storage-in-transit of household goods or mobile dwellings.

This section applies only to shipments of household goods or mobile dwellings (including house trailers) forwarded for the account of the United States on a U.S. Government bill of lading.

(a) *Definition of carrier.* The term "carrier" as used in this section includes a motor carrier or a freight forwarder authorized by certificate or permit to operate as such in intrastate or interstate commerce.

(b) *Certifications.* (1) Household goods or mobile dwellings (including house trailers) at destination for the account of the United States may be placed in storage at destination for the account of the line-haul carrier and for ultimate delivery to the consignee or owner. Transportation charges for services from the point of pickup to the point of storage are payable to the delivering carrier, provided the covering U.S. Government bill of lading has been duly certified by the carrier's agent to show that:

(i) The described household goods were placed in storage in (Name of destination warehouse) at (City and State) on (Date).

or

(ii) The mobile dwellings (including house trailers) were placed in destination storage at (Name and location of designated facility) on (Date).

(iii) Such shipment will be permitted to remain there for a period of _____ days or shorter period as may meet the demand of the consignee or the property owner, or the authorized agent of either;

(iv) The carrier hauling the shipment to the destination storage point assumes full carrier liability for the shipment during storage and until delivery to the property owner or his authorized agent within the designated storage period; and

(v) Any payment to the carrier for transportation service from point of pickup to the point of destination storage is dependent upon ultimate delivery to the property owner or his authorized agent and the carrier agrees to return the payment to the United States when delivery to the property owner or his authorized agent cannot be accomplished due to the complete loss of the shipment within the Government-authorized storage period.

(2) If space for certification on the bill of lading is insufficient, the certificate of liability, printed on plain paper and making reference to the U.S. Government bill of lading number, shall be attached to the bill of lading.

(3) The certificate may include a statement designating the warehouseman as an agent of the carrier with authority to receive payment in the name of the line-haul carrier for all storage-in-transit, delivery-out, and other applicable charges. A signed copy of the certificate shall be attached to the supplemental bill for such authorized billing. The supplemental bill, however, need not bear the carrier's original bill number.

(c) *Supplemental billing for accessorial charges.* The Public Voucher for Transportation Charges (SF 1113) bearing the same bill number as the carrier's original billing plus a letter suffix (e.g., 12345-A) shall be used to bill accessorial storage charges accruing at the point of destination and unpaid after original

payment of transportation charges, except as provided in paragraph (b) (3) of this section. The voucher shall identify the bill of lading and the tariff or quotation authority for the accessorial charges and shall be supported by a statement of accessorial services ordered and furnished, signed by or for the person ordering the service, and a statement, signed by the property owner or his authorized agent, certifying receipt of property at residence and listing property lost or damaged. The originals of those statements should be used as support for accessorial charges.

§ 101-41.310 Billing and payment of freight and express transportation charges.

§ 101-41.310-1 Carrier billing forms.

Charges for freight or express transportation services furnished for the account of the United States, except those furnished under procedures for small domestic shipments in § 101-41.304, shall be billed on SF 1113, Public Voucher for Transportation Charges. The original and one memorandum copy (SF 1113a) thereof shall be submitted to the billing office specified on the U.S. Government bill of lading. The carrier may not be required to furnish more than one memorandum copy to the agency billed unless otherwise specifically authorized in advance by the General Services Administration. Also, a memorandum copy (SF 1113a) shall not be substituted for the tear-off slip which shall be properly executed by the carrier in preparing the SF 1113.

§ 101-41.310-2 Preparation of carriers' bills.

(a) Instructions for the preparation of the Public Voucher for Transportation Charges (SF 1113) and specimen copies are furnished in the General Services Administration Handbook "How to Prepare & Process U.S. Government Bills of Lading," (national stock number 7610-00-682-6740). Agencies may obtain copies of this handbook by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Copies of the handbook are also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(b) The voucher format provides space for listing the complete serial number and amount of each attached sub-voucher (bill of lading, etc.) but does not necessarily require descriptive details of services furnished. Each voucher generally should include as many sub-vouchers as can be listed when charges are billed to the same paying office, except as provided in §§ 101-41.305-3, 101-41.305-4, and 101-41.310-3.

(c) Carriers may use a facsimile signature of the carrier's certifying official or a machine-typed officer's name and title on mechanically prepared bills in the "Payees Certificate," provided the facsimile signature or machine-typed name and title is autographically initialed by an authorized person.

§ 101-41.310-3 Separate billing for household goods shipments.

Except for domestic shipments of crated household goods, charges for each household goods shipment shall be billed on a separate SF 1113, Public Voucher for Transportation Charges.

§ 101-41.310-4 Presentation and payment of carriers' bills.

Carriers' bills for transportation charges shall be subject to the standards for payment prescribed in Subpart 101-41.4.

(a) A bill prepared as provided in this section, excluding one supported by commercial forms as authorized in § 101-41.304 and § 101-41.312, is payable to:

(1) The last carrier or forwarder in privity with the contract of carriage as evidenced by the covering bill of lading;

(2) A participating carrier or forwarder in privity with the contract of carriage as evidenced by the covering bill of lading, when the bill is submitted with a waiver accomplished by the last carrier (as described in paragraph (1) of this section) in favor of the billing carrier;

(3) A carrier (as described in paragraph (1) of this section) or its properly designated warehouse agent as authorized in § 101-41.309-2; or

(4) An agent of the carrier or forwarder (as described in paragraph (1) or (2) of this section), so long as the bill is submitted in the name of the principal. The agent's mailing address may be shown on such bills, and checks drawn in the name of the principal may be mailed to the agent.

(b) Any bill not in conformity with requirements outlined in this section shall be returned to the billing activity with a statement of the reasons for nonpayment.

§ 101-41.311 Reporting of carrier voluntary refunds.

Agencies shall report voluntary refunds (other than those described in § 101-41.305-3) of excess payments for freight or express charges to the General Services Administration (FZATR). Each report shall include (a) the bill of lading reference and amount of refund, (b) the disbursing office (D.O.) voucher number, bureau voucher number (if any), date of payment, and disbursing office symbol number assigned to the original payment, and (c) the carrier's name and bill number.

§ 101-41.312 Exception to usual billing and payment procedures.

(a) *Applicability.* Subject to the exceptions specified in § 101-41.4, payment of transportation charges may be made to a carrier or forwarder in privity with the contract of carriage for unaccompanied baggage shipments by freight, for ocean carrier port-to-port shipments, or for international air shipments, without execution of the certificate of carrier billing for charges: *Provided*, The carrier bills are not presented until 30 days after the shipment departs from point of origin. This does not, however, prevent a carrier from billing earlier on normal certification of delivery.

(b) *Limitations.* Payment on presumption of delivery shall be subject to the limitations set forth in paragraph (b) (1) through (b) (3) of this section.

(1) Ocean shipments made for the account of the U.S. Government may, at the option of the agencies, move on U.S. Government bill of lading forms or on commercial bill of lading forms overprinted or stamped with the provision "This shipment is made under all terms and conditions of the U.S. Government bill of lading (except as to certification of carrier billing for charges) and is subject to the terms and procedures set forth in § 101-41.302-3." Ocean carriers should comply with any reasonable numbering system which may be established by each involved agency for payment and accounting control of commercial documents.

(2) The date on which shipment departs from point of origin shall be shown on each carrier's bill. All billings shall be presented on SF 1113, Public Voucher for Transportation Charges.

(3) When a bill is presented under the provision of this section by other than the delivering carrier, the billing carrier must submit with its bill or have on file with the paying office a blanket "CERTIFICATE OF BILLING CARRIER IN LIEU OF WAIVER FROM DELIVERING CARRIER" in the form set forth below in order to protect the United States from duplicate payments and from the consequences of loss, damage, or shrinkage of the property shipped.

CERTIFICATE OF BILLING CARRIER IN LIEU OF WAIVER FROM DELIVERING CARRIER

In consideration of payment by the United States Government to the undersigned, for itself and all participating carriers, of charges billed on 30-day presumptive delivery for the transportation of property for the account of the United States under either U.S. Government bills of lading or commercial documentation, the undersigned agrees and guarantees to (1) make payment to all participating carriers of charges properly due them, (2) assume liability for any loss, damage, or shrinkage in connection with the shipments covered by said documents, notwithstanding that such loss, damage, or shrinkage may have occurred on the line or lines of participating carriers, and compensate the United States therefor, (3) refund promptly to the United States any amount found overcharged in connection with said shipments, and (4) refund promptly to the United States any charges paid to the undersigned which have been or may be paid by the United States directly to any other carrier participating in the movements covered by said bills of lading or commercial documentation.

(Name of billing carrier)

By

(Authorized agent)

(c) *Agency procedures.* (1) Agencies using the facilities of dispatch agents, commercial forwarders, or carriers for the preparation of ocean shipping documentation shall establish procedures to ensure that the U.S. Government bill of lading provision is inserted on the commercial bill of lading form.

(2) Each affected agency shall establish procedures to ensure that billings are not paid prior to 30 days after the shipment departs from point of origin but

that billings presented in compliance therewith are processed as expeditiously as possible.

(3) Payments made under the provision of this section are subject to adjustment, if otherwise proper, when the cargo is lost, damaged, or not delivered to the destination specified in the bill of lading contracts. Agencies shall make diligent effort to collect all agency claims arising under the provisions of this section and shall report uncollected debts to the U.S. General Accounting Office.

§ 101-41.313 Availability of forms.

§ 101-41.313-1 U.S. Government bill of lading forms.

(a) Agencies may obtain supplies of bill of lading forms by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. The Federal Supply Service of GSA shall maintain records of the serial numbers of the SF 1103 and SF 1131 assemblies furnished and the names of the receiving agencies and their mailing addresses.

(b) An agency may order overprinting on the U.S. Government bill of lading forms to the extent of identifying its name, bureau or service, place of issue, title of issuing officer, and designation of appropriation or fund chargeable. Agency numbering, coding, or symbolizing on U.S. Government bill of lading forms is not permitted.

§ 101-41.313-2 Billing forms.

The original Public Voucher for Transportation Charges, SF 1113, is printed on 8½ by 11 inch white paper, plus an 8½ by 3½ inch tear-off slip for return to the carrier with the check covering payment of the vouchered charges. The memorandum copy (SF 1113a), of the voucher, printed on yellow paper is the same size as the original without the tear-off slip.

(a) Carriers may purchase the Public Voucher for Transportation Charges, Standard Forms 1113 and 1113a, from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; or

(b) Carriers may have Standard Forms 1113 and 1113a printed commercially but shall ensure that the forms conform in size, wording, and arrangement to the approved Standard forms. Further, while no minimum as to grade of paper will be set, carriers shall provide a paper stock of reasonable grade. Such forms may also be reproduced in continuous-feed format for machine billing by adding pin-feed strips on the margins, provided the forms conform otherwise to the exact size, wording, arrangement, etc., of the approved Standard forms. No other deviations from the approved Standard forms may be made unless authorized in writing by the General Services Administration.

§ 101-41.314 Contracts and tenders.

§ 101-41.314-1 Contracts.

With the exception of contracts for local storage, drayage, and haulage (§ 101-41.304) and contracts entered into by the Military Sealift Command or the

Military Airlift Command, the original of each contract for freight or express transportation rates or services, negotiated or otherwise, naming rates or charges therein shall be transmitted by agencies, promptly upon execution, to the General Services Administration (FZAT), Chester A. Arthur Building, Washington, DC 20406.

§ 101-41.314-2 Quotations and tenders.

Quotations and/or tenders made by or on behalf of common or contract carriers for freight or express transportation rates or services, including those authorized by section 22 of the Interstate Commerce Act, as amended (49 U.S.C. 22), shall be in written form. Copies shall be promptly transmitted by administrative or negotiating agencies to the General Services Administration (FZAT), Chester A. Arthur Building, Washington, DC 20406.

§ 101-41.314-3 Procurement and billing.

Transportation service available under contract or tender shall be procured by use of a U.S. Government bill of lading. Each bill of lading shall bear citation to the applicable contract or tender and the carrier shall bill the resultant charges on SF 1113, Public Voucher for Transportation Charges.

§ 101-41.314-4 Adoption of procedures and forms by Government corporations.

Government corporations may adopt all or any part of the procedures and forms prescribed herein, provided advance notice of the extent thereof and the effective date of adoption is transmitted to the General Services Administration (FZA), Chester A. Arthur Building, Washington, DC 20406.

Subpart 101-41.4—Standards for the Payment of Charges for Transportation Services Furnished the United States

§ 101-41.400 Scope and applicability of subpart.

The regulations in this subpart set forth standards for the payment of charges for transportation of persons or property for or on behalf of the United States.

§ 101-41.401 Payment prior to Government confirmation of service satisfactorily performed.

Pursuant to the joint standards issued by the Comptroller General of the United States and the Secretary of the Treasury (4 CFR 56.5), payment of transportation bills shall be made upon carrier or forwarder certification that the shipment involved has been delivered in good order and condition, except that payment shall not be made upon the carrier's or forwarder's certification exclusively when transportation bills are presented for payment to a Government disbursing officer by:

(a) An assignee bank or financial institution under the authority of 31 U.S.C. 203 and 41 U.S.C. 15;

(b) Payees who are in bankruptcy proceedings or are subject to the control

of a receiver, trustee, or other similar representative;

(c) Payees who consistently fail to refund overcharges without assertion of substantial defenses or other valid reasons when notified by the General Services Administration or any other interested Government agency;

(d) Payees who without good cause fail to make timely disposition or settlement of loss or damage or other claims asserted by agencies of the United States;

(e) Payees owing substantial sums of money to the United States for which no adequate arrangements for settlement have been made;

(f) Payees in such bad financial condition as to justify a determination that the Government's best interests require consideration of special payment rules for their account;

(g) Payees who infrequently do business with the United States and who have not previously been approved for payment upon presentation of bills; or

(h) By any other person or business organization determined for valid reasons to be ineligible for payment upon certification of performance, unless after review of the facts and in the absence of objection by the General Services Administration, it is determined that the best interests of the United States will not be jeopardized by such payment. Such determination should be based on evaluation of performance by each carrier or forwarder in the light of an agency's standards or needs.

Subpart 101-41.5—Claims by the United States Relating to Transportation Services

§ 101-41.500 Scope and applicability of subpart.

This subpart sets forth procedures applicable to the assertion of claims by the United States that arise out of freight and passenger transportation services furnished for the account of the United States, the consideration and disposition of protests thereto, and the collection and deposit of amounts due the United States.

§ 101-41.501 Time limitations.

(a) A 3-year time limitation applies on deductions of overcharges from all carriers and forwarders. The term "overcharges" means charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with Federal or State transportation regulatory agencies or under rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act, as amended, or other equivalent contract, arrangement, or exemption from regulation. (See 49 U.S.C. 66).

(b) A 3-year limitation applies on actions at law and on complaints filed with the Interstate Commerce Commission for the recovery of overcharges from carriers subject to the Interstate Commerce Act. (See 49 U.S.C. 16(3)(1), 304a(8), 908(f)(5), and 1006a(8).)

(c) A 2-year limitation applies on the filing of actions before the Federal Maritime Commission to recover overcharges by ocean carriers. (See 46 U.S.C. 821.)

§ 101-41.502 Examination of payments and initiation of collection action.

(a) *Examination of payments.* (1) Carrier bills and supporting documents which represent payments made by agency disbursing officers for freight and passenger transportation services are forwarded to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406, for examination of:

(i) The document ordering the services furnished to determine the contractual basis upon which the rights of the Government and the carrier are based;

(ii) The pertinent tariffs, special or reduced rate quotations, contracts, or agreements to determine the proper charge for the services rendered;

(iii) Decisions of the courts, regulatory bodies, the Comptroller General, and the Administrator of General Services, which affect the rates, fares, and charges; and

(iv) Information furnished to the General Services Administration by transportation officers, travelers, or agencies.

(2) The General Services Administration is obligated to honor a carrier bill for charges properly due. However, GSA has a concurrent responsibility to question or disapprove that part of a payment to a carrier which is found to be unlawful or mathematically incorrect or which is not accompanied by documentary support establishing an obligation of the United States.

(b) *Collection by refund of amounts due the United States.* (1) A General Services Administration notice of overcharge is issued when it is determined that a carrier has been paid a sum in excess of that proper for the services rendered. This form or notice details the basis of the difference for each affected bill of lading or transportation request and cites applicable tariff references and other data relied upon to support the statement of difference. A separate notice of overcharge is stated on each bill of lading or transportation request and dispatched to the billing carrier.

(2) Carriers are requested to promptly refund amounts due the United States. Checks shall be made payable to the "General Services Administration" and mailed direct to the General Services Administration (FZAPA), Chester A. Arthur Building, Washington, D.C. 20406.

§ 101-41.503 Protests to notices of overcharge.

A carrier that disagrees with a notice of overcharge may protest by letter to the General Services Administration (FZAPA), Chester A. Arthur Building, Washington, D.C. 20406. Since each notice of overcharge is processed as a separate account receivable, the carrier shall use a separate letter for each overcharge notice being protested. The carrier shall present the basis for its protest and submit either the original or a legible copy of all documents substantiating its position. If the carrier believes that an amount less than that claimed is properly due, it should submit promptly a check for that amount, together with a full

explanation of the reasons for believing the balance is not due. The General Services Administration will acknowledge receipt of each letter containing a substantive protest and upon completion of consideration will advise the carrier whether its overcharge claim has been sustained, amended, or canceled. Repetitious letters of protest will not serve to preclude the collection of overcharges found properly due.

§ 101-41.504 Collection action by other means.

When a carrier fails to refund a transportation overcharge or protests the overcharge notice but an amount is determined still to be due the United States, the General Services Administration will effect collection by other means, as set forth in paragraphs (a) through (d) of this section.

(a) When an indebted carrier has a claim before the General Services Administration for direct settlement, all or any portion of the claimed amount determined to be due the carrier is used for deduction purposes.

(b) When no claim is available, a deduction form fully identifying the debt item is dispatched to major disbursing offices requesting that the amount due the United States be deducted from an unpaid bill of the carrier.

(c) When collection is not effected through either of the above procedures, a formal demand letter is issued to the indebted carrier requesting payment of the amount due within a specified time. Lacking satisfactory response, the General Services Administration will place a complete stop order against amounts otherwise payable to the indebted carrier by placing the name of that carrier on the Department of the Army "List of Contractors Indebted to the United States."

(d) When the actions in paragraphs (a) through (c) of this section to effect collection are unsuccessful, the debt is then reported to the Department of Justice for initiation of suit to recover the amount due the United States.

Subpart 101-41.6—Claims Against the United States Relating to Transportation Services

§ 101-41.600 Scope and applicability of subpart.

This subpart sets forth procedures applicable to the presentation, settlement, reconsideration, and review of claims against the United States relating to freight and passenger transportation services.

§ 101-41.601 Definition.

The word "claims" as used in this subpart means:

(a) Requests by claimants for amounts not included in the original billing;

(b) Requests by claimants for amounts deducted or set off by the Government;

(c) Requests by claimants for amounts previously refunded by carriers; or

(d) Unpaid original bills requiring direct settlement by the General Services Administration.

§ 101-41.602 Statutory limitations on filing of claims.

49 U.S.C. 66 imposes a 3-year limitation on the filing of claims cognizable by the General Services Administration when such claims involve charges for transportation within the purview of 49 U.S.C. 66. Claims in this category are those which involve transportation charges based upon tariffs lawfully on file with Federal and State transportation regulatory agencies or which involve rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act, 49 U.S.C. 22, or other equivalent contract, arrangement, or exemption from regulation. A claim must be filed with the General Services Administration or with the agency out of whose activities the claim arose within 3 years after the date such claim first accrued.

§ 101-41.603 Presentation of claims.

§ 101-41.603-1 Filing requirements for claimants.

Claims shall be presented in writing (a) over the bona fide signature of the claimant or (b) over the signature of the claimant's agent or attorney accompanied by a duly executed power of attorney or other documentary evidence of the agent's or attorney's right to act for the claimant.

§ 101-41.603-2 Form of claims.

Charges claimed for passenger service shall be billed on SF 1171, Public Voucher for Transportation of Passengers, and those for freight service on SF 1113, Public Voucher for Transportation Charges, in the manner prescribed in § 101-41.214 and § 101-41.310. Claims for (a) an amount in addition to that originally paid the carrier for the same services or (b) an amount collected by the General Services Administration or by another agency shall be presented in the form of a supplemental bill (SF 1171 or SF 1113) bearing the same number as the original bill but with an alphabetical suffix. An alphabetical sequence of suffixes shall be used for any additional supplemental bills. Each supplemental bill shall cover charges relating to bills of lading or transportation requests paid on one original bill and where possible only one supplemental bill should be presented for all such items.

§ 101-41.603-3 Documentation required.

Documentation clearly establishing the liability of the United States shall support each claim. Bare assertions or conclusions are unacceptable.

§ 101-41.603-4 Where to file claims.

Action will generally be expedited when claimants file initially with the agency out of whose activities the claims arose. However, a claimant may file direct with the General Services Administration. Further, transportation claims resulting from collection action by the General Services Administration must be filed direct with the same. The mailing address for filing such claims is: General Services Administration (FZATM), Ches-

ter A. Arthur Building, Washington, DC 20406.

§ 101-41.604 Basis of claim settlements.

Claims are settled on the basis of the contract of carriage as evidenced by the bill of lading, transportation request, or other contractual agreement; the payment record; reports from agencies; information available to the General Services Administration; and the written and documentary record submitted by the claimant. Oral presentations are not acceptable to supplement the written record. Settlements are founded on a determination of the legal liability of the United States under the factual situation disclosed by the record. The burden is on the claimant to establish the liability of the United States and the claimants' right to payment.

§ 101-41.605 Processing claims.

§ 101-41.605-1 Acknowledgments.

Each claimant is advised of the number assigned to his claim upon its receipt in the General Services Administration. Claimants should withhold inquiries for at least 6 months after receipt of acknowledgments as inquiries merely delay settlement action on the claims.

§ 101-41.605-2 Processing claims certified for payment.

(a) The General Services Administration certifies claims for payment by use of a certificate of settlement, which includes a complete explanation of any amounts disallowed. Such certificates are forwarded to agencies for processing and

prompt payment. Where setoff actions are to be taken, agencies shall process the certificates of settlement immediately to preclude the setoff actions being barred by expiration of the statutory time period.

(b) The General Services Administration will forward an advance notice of the settlement to the claimant at the time it forwards the certificate to the paying agency. The paying agency shall forward a second copy to the payee with any check issued. Each agency shall keep the General Services Administration (FZAPA) advised of any change of address to which certificates of settlement are to be forwarded.

101-41.605-3 Disallowed claims.

When a claim is wholly disallowed, the claimant is furnished a settlement certificate completely explaining the disallowance. One copy of the settlement certificate is furnished to the agency concerned.

Subpart 101-41.7—Reconsideration and Review of General Services Administration Transportation Claim Settlements

§ 101-41.700 Protest to settlement action.

A claimant who disagrees with the action taken upon his claim in the transportation audit may write to the Administrator of General Services, General Services Administration (FZA), Chester A. Arthur Building, Washington, DC 20406, requesting reconsideration of such action. Such letter shall set forth in detail the legal, technical, or factual data or such additional information or docu-

mentation relied upon by the carrier to raise substantive doubt as to the correctness of the claim settlement.

§ 101-41.701 Review by the Comptroller General of the United States (4 CFR 55).

(a) A claimant desiring a review of an action taken by the General Services Administration that constitutes a settlement action may request such review by the Comptroller General of the United States. "Settlement" means any action taken by the General Services Administration in connection with the audit of payments for transportation and related services furnished for the account of the United States that has a dispositive effect, including:

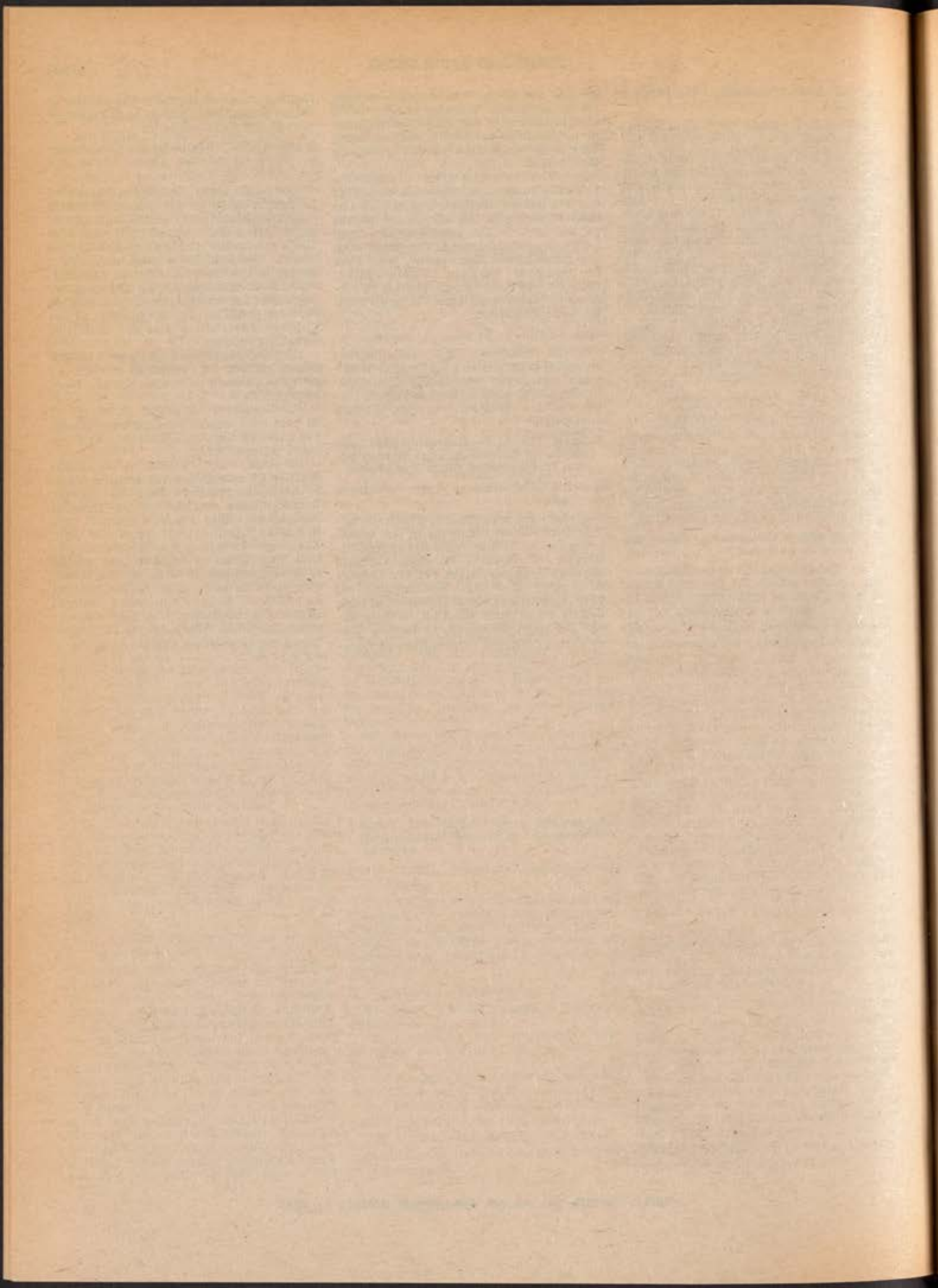
(1) Deduction from moneys otherwise due a carrier (or refund by carrier) to adjust asserted transportation overcharges; or

(2) Disallowance, either in whole or in part, of a claim or a supplemental bill for charges for transportation and related services; or

(3) Any other action that entails finality of administrative consideration.

(b) Such request shall be forever barred unless received in the General Accounting Office within 6 months (not including time of war) from the date the General Services Administration action was taken or within the periods of limitation specified in 49 U.S.C. 66, whichever is later. The request should be addressed to the Comptroller General of the United States, U.S. General Accounting Office, Washington, DC 20548.

[FR Doc. 75-27591 Filed 10-9-75; 9:59 am]



federal register

FRIDAY, OCTOBER 10, 1975



PART IV:

MANAGEMENT AND BUDGET OFFICE

■

FEDERAL DOMESTIC COMMUNITY DEVELOPMENT PROGRAMS

**Proposed Revision to OMB
Circular No. A-95**

OFFICE OF MANAGEMENT AND BUDGET

FEDERAL DOMESTIC COMMUNITY DEVELOPMENT PROGRAMS

Proposed Revision to OMB Circular No. A-95

Notice is hereby given that pursuant to the provisions of 5 U.S.C. 552, there is hereby published a proposed revision of Office of Management and Budget Circular No. A-95. This Circular revision will supersede Circular No. A-95 (Revised, dated November 13, 1973, Part II, FEDERAL REGISTER, Vol. 38, No. 228, pp. 32874-32881, November 28, 1973).

It is anticipated that this proposed revision shall be promulgated in final form on or about November 15, 1975, and will become effective on or about January 5, 1976.

Interested persons may submit written comments, suggestions, or objections concerning the revision of Circular No. A-95 to the Intergovernmental Relations and Regional Operations Division, Office of Management and Budget, Washington, D.C. 20503, on or before November 3, 1975. All written comments received from the public through that date will be considered by the Office in formulating its revised Circular. The comments received will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays) until November 20, 1975.

This revision was, in part, generated by an evaluation of Parts I and II of the current Circular by the General Accounting Office. GAO recommendations took three main lines:

- (1) Expansion of coverage to encompass all Federal domestic programs providing financial assistance which can impact on area or community development;
- (2) Intensification of implementation effort; and
- (3) Clarification of certain elements of the Circular and of agency implementation procedures.

With respect to expansion of program coverage, the revision is very selective, adding only programs having area or community impact or where there is probability of overlap and duplication and, where appropriate, programs nominated for coverage by Federal agencies. The main changes in the revision are aimed at clarification of A-95 procedures and agency regulations.

This last point will be of particular interest to Federal agencies. Paragraph 7 of the main body of the Circular requires that agencies publish interim implementing regulations in the FEDERAL REGISTER by January 5, 1976, and final regulations by March 1, 1976.

Other amendments of note are:

In the main body of the Circular:

- (1) Incorporation by reference, of "A-95: What It Is—How It Works" and "A-95 Administrative Notes."

- (2) Note of the role of Federal Regional Councils in A-95 implementation.

Under Part I (Project Notification and Review System).

- (1) Provision for review participation by local chief executives (paragraph 3b).

- (2) Reference of requirements of the Coastal Zone Management Act of 1972 (paragraphs 3c and 5e).

- (3) Clarification of the review process (paragraph 4).

- (4) Provision for withholding of confidential information from clearinghouses by nongovernmental applicants (paragraph 4d).

- (5) Provision for re-review of projects (paragraph 4g).

- (6) Provision for consultation among Federal agencies on interproject conflicts disclosed by review (paragraph 6d).

- (7) Provision of an alternative approach to housing reviews (paragraph 7d).

- (8) Clarification of types of programs appropriate and inappropriate for coverage under Part I and criteria for exempting types of projects or for varying procedures under covered programs (paragraph 8).

Under Part II (Direct Federal Development).

- (1) Encouragement to Federal agencies responsible for granting licenses and permits for activities significantly impacting on an area or community development or the environment to consult with clearinghouses on applications for licenses and permits.

- (2) Elaboration of criteria for agency regulations.

Under Attachment D (Coverage of Programs Under Part I). Some 38 programs have been added, largely in the human resources area. Coverage now approximates 200 programs.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

CIRCULAR NO. A-95—REVISED

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Subject: Evaluation, review, and coordination of Federal and federally assisted programs and projects.

1. *Purpose.* This Circular furnishes guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal assistance programs and projects. The Circular promulgates regulations (Attachment A) which provide, in part, for:

- a. Encouraging the establishment of a project notification and review system to facilitate coordinated planning on an intergovernmental basis for certain Federal assistance programs in furtherance of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968 (Attachment B).

- b. Coordination of direct Federal development programs and projects with State, areawide, and local planning and programs pursuant to Title IV of the Intergovernmental Cooperation Act of 1968.

- c. Securing the comments and views of State and local agencies which are au-

thorized to develop and enforce environmental standards on certain Federal or federally assisted projects affecting the environment pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Attachment C) and regulations of the Council on Environmental Quality.

- d. Furthering the objectives of Title VI of the Civil Rights Act of 1964.

This Circular supersedes Circular No. A-95 (Revised), dated November 13, 1973 (Part II, FEDERAL REGISTER, Vol. 38, No. 228, pp. 32874-32881, November 28, 1973). It will become effective January 5, 1976.

2. *Basis.* This Circular has been prepared pursuant to:

- a. Section 401(a) of the Intergovernmental Cooperation Act of 1968 which provides, in part, that: "The President shall . . . establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development . . ." and the President's Memorandum of November 8, 1968, to the Director of the Bureau of the Budget ("FEDERAL REGISTER," Vol. 33, No. 221, November 13, 1968) which provides:

"By virtue of the authority vested in me by section 301 of title 3 of the United States Code and section 401(a) of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), I hereby delegate to you the authority vested in the President to establish the rules and regulations provided for in that section governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives.

"In addition, I expect the Bureau of the Budget to generally coordinate the actions of the departments and agencies in exercising the new authorizations provided by the Intergovernmental Cooperation Act, with the objective of consistent and uniform action by the Federal Government."

- b. Title IV, section 403, of the Intergovernmental Cooperation Act of 1968 which provides that: "The Bureau of the Budget or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this Title."

- c. Section 204(c) of the Demonstration Cities and Metropolitan Development Act of 1966 which provides that: "The Bureau of the Budget, or such other agency as may be designated by the President, shall prescribe such rules and regulations as are deemed appropriate for the effective administration of this section," and

- d. Reorganization Plan No. 2 of 1970 and Executive Order No. 11541 of July 1, 1970, which vest all functions of the Bureau of the Budget or the Director of the Bureau of the Budget in the Director of the Office of Management and Budget.

3. *Coverage.* The regulations promulgated by this Circular (Attachment A) will have applicability:

a. Under Part I, to all projects and activities (or significant substantive changes thereto) for which Federal assistance is being sought under the programs listed in Attachment D or Appendix I of the *Catalog of Federal Domestic Assistance* whichever bears the later date. Limitations and provisions for exceptions are noted therein or under paragraph 8 of Part I.

b. Under Part II, to all direct Federal development activities, including the acquisition, use, and disposal of Federal real property; in addition, agencies responsible for granting licenses and permits for developments or activities significantly affecting area and community development or the physical environment are urged to consult with clearinghouses on applications for such licenses or permits.

c. Under Part III, to all Federal programs as listed in Appendix II of the *Catalog of Federal Domestic Assistance*, requiring, by statute or administrative regulation, a State plan as a condition of assistance; and to certain multisource programs.

d. Under Part IV, to all Federal programs providing assistance to State, local, and areawide projects and activities that are planned on a multijurisdictional basis.

4. "A-95: What It Is—How It Works." A fuller discussion of the background, purposes, and objectives of the Circular and of the requirements promulgated thereunder may be found in the brochure, "A-95: What It Is—How It Works," obtainable from the Office of Management and Budget or from Federal Regional Councils.

5. "A-95 Administrative Notes." From time to time OMB will issue "A-95 Administrative Notes" providing interim determinations or interpretations on matters of national scope relating to administration of the Circular.

6. *Federal Regional Councils.* Federal Regional Councils are responsible for coordinating the implementation of the requirements of this Circular at the Federal regional level. The Office of Management and Budget is responsible for policy oversight of the Circular and liaison with departmental and agency liaison officers on matters of national scale related to the requirements of the Circular.

7. *Federal agency implementing regulations.* Agencies will develop interim regulations implementing the requirements of this Circular revision which will become effective on January 5, 1976. The interim regulations will be published in the Federal Register no later than January 5, 1976. Agencies will promulgate final implementing regulations no later than March 1, 1976. OMB will assist and cooperate with agencies in developing such regulations.

8. *Inquiries.* Inquiries concerning this Circular may be addressed to the Regional A-95 Coordinator for the appropriate Federal Regional Council or to the Office of Management and Budget,

Washington, D.C. 20503, telephone (202) 395-3031.

JAMES T. LYNN,
Director.

ATTACHMENT A—CIRCULAR
No. A-95—REVISED

REGULATIONS UNDER SECTION 204
OF THE DEMONSTRATION CITIES
AND METROPOLITAN DEVELOP-
MENT ACT OF 1968, TITLE IV OF
THE INTERGOVERNMENTAL CO-
OPERATION ACT OF 1968, AND SEC-
TION 102(2) (C) OF THE NATIONAL
ENVIRONMENTAL POLICY ACT OF
1969

Part I: Project notification and review
system

1. *Purpose.* The purpose of this Part is to:

a. Further the policies and directives of Title IV of the Intergovernmental Cooperation Act of 1968 by encouraging the establishment of a network of State and areawide planning and development clearinghouses which will aid in the coordination of Federal or federally assisted projects and programs with State, areawide, and local planning for orderly growth and development.

b. Implement the requirements of section 204 of the Demonstration Cities and Metropolitan Development Act of 1968 for metropolitan areas within that network.

c. Implement, in part, requirements of section 102(2) (C) of the National Environmental Policy Act of 1969, which require that State, areawide, and local agencies which are authorized to develop and enforce environmental standards be given an opportunity to comment on the environmental impact of Federal or federally assisted projects.

d. Provide public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to participate in the review process established under this Part.

e. Encourage, by means of early contact between applicants for Federal assistance and State and local governments and agencies, an expeditious process of intergovernmental coordination and review of proposed projects.

2. *Notification of Intent.* a. Any agency of State or local government or any organization or individual undertaking to apply for assistance to a project or major substantive modification thereto under a Federal program covered by this Part will be required to notify both the State and areawide planning and development clearinghouse in the jurisdiction of which the project is to be located, of its intent to apply for assistance at such time as it determines it will develop an application.

In the case of applications for projects involving land or water use and development or construction in the National Capital Region (as defined in section 1(b) of the National Capital Planning Act of 1952, as amended) a copy of the notification will be sent to the National Capital Planning Commission (NCPC) in addition to the areawide clearinghouse

and the appropriate State clearinghouse. NCPC is the official planning agency for the Federal Government in the National Capital Region.

In the case of an application in any State for an activity that is Statewide or broader in nature (such as for various types of research) and does not have specific applicability to nor affects area-wide or local planning and programs, the notification need be sent only to the State clearinghouse. Involvement of areawide clearinghouses in the review in such cases will be at the initiative of the State clearinghouse.

Notifications will include a summary description of the project for which assistance will be sought. The summary description will contain the following information, as appropriate and to the extent available:

(1) Identity of the applicant agency, organization, or individual.

(2) The geographic location of the project to be assisted. A map should be provided, if appropriate.

(3) A brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed projects.

(4) A statement as to whether or not the applicant has been advised by the funding agency from which assistance is being sought that he will be required to submit environmental impact information in connection with the proposed project.

(5) The Federal program title and number and agency under which assistance will be sought as indicated in Attachment D or the latest *Catalog of Federal Domestic Assistance*. (The *Catalog* is issued annually in the spring and is updated during the year.) In the case of programs not listed therein, programs will be identified by Public Law Number or U.S. Code citation.

(6) The estimated date the applicant expects to formally file an application.

Many clearinghouses have developed notification forms and instructions. Applicants are urged to contact their clearinghouses for such information in order to expedite clearinghouse review.

b. In order to assure maximum time for effective coordination and so as not to delay the timely submission of the completed application to the funding agency, notifications containing the preliminary information indicated above should be sent at the earliest feasible time.

c. Applications from federally recognized Indian tribes are not subject to the requirements of this Part. However, Indian tribes may voluntarily participate in the Project Notification and Review System and are encouraged to do so. Federal agencies will notify the appropriate State and areawide clearinghouses of any applications from federally recognized Indian tribes upon their receipt. Where a federally recognized Tribal Government has established a mechanism for coordinating the ac-

tivities of Tribal departments, divisions, enterprises, and entities, Federal agencies will, upon request of such Tribal Government transmitted through the Office of Management and Budget, require that applications for assistance under programs covered by this Part from such Tribal departments, divisions, enterprises, and entities be subject to review by such Tribal coordinating mechanism as though it were a State or areawide clearinghouse.

3. Clearinghouse functions. Clearinghouse functions include:

a. Evaluating the significance of proposed Federal or federally assisted projects to State, areawide, or local plans and programs, as appropriate.

b. Receiving and disseminating project notifications to appropriate State agencies in the case of the State clearinghouse and to appropriate local governments and agencies and regional organizations in the case of areawide clearinghouses; and providing liaison, as may be necessary, between such agencies or bodies and the applicant. In the case of units of general local government, notifications of all projects affecting his jurisdiction will, if requested, be sent to the chief executive of such unit by the areawide clearinghouse or to such central agency as he may designate for review and reference to appropriate agencies of such unit.

c. In the case of projects under programs covered by this Part located in the coastal zone, as defined in the Coastal Zone Management Act of 1972, assuring that the State agency, if other than the State clearinghouse, responsible for administration of the approved program for the management of the coastal zone, is given opportunity to review the project for its relationship to such program and its consistency therewith.

d. Assuring, pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969, that appropriate State, multistate, areawide, or local agencies which are authorized to develop and enforce environmental standards are informed of and are given opportunity to review and comment on the environmental significance of proposed projects for which Federal assistance is sought.

e. Providing public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to review and comment on the civil rights aspects of the project for which assistance is sought.

f. Providing, pursuant to Part II of these regulations, liaison between Federal agencies contemplating direct Federal development projects and the State or areawide agencies or local governments having plans or programs that might be affected by the proposed project.

g. In the case of a project for which Federal assistance is sought by a special purpose unit of local government, clearinghouses will assure that any unit of general local government having jurisdiction over the area in which the project is to be located has opportunity to

confer, consult, and comment upon the project and the application.

h. Where areawide clearinghouse jurisdictions are contiguous, coordinative arrangements should be established between the clearinghouses in such areas to assure that projects in one area which may have an impact on the development of a contiguous area are jointly studied. Any comments and recommendations made by or through a clearinghouse in one area on a project in a contiguous area will accompany the application for assistance to that project.

4. *Consultation and review.* a. State and areawide clearinghouses may have a period of 30 days after receipt of a project notification in which to inform State and multistate agencies and local or regional governments or agencies (including agencies referred to in subparagraphs c, d, and e, above) that may be affected by the proposed project and arrange, as may be necessary, to consult with the applicant thereon. The review may be completed in this period and comments may be submitted to the applicant.

b. If the review is not completed during this period, the clearinghouse may work with the applicant in the resolution of any problems raised by the proposed project during the period in which the application is being completed.

c. In cases where no project notification has been submitted and the clearinghouse receives only a completed application, it may have 60 days to review the completed application. If a completed application is submitted during the first 30 days, the clearinghouse may have 30 days plus the number of days remaining in the initial 30 day notification period to complete its review. In all other cases, the clearinghouse may have 30 days to review a completed application. Where clearinghouses have not completed their reviews during the 30 day notification period, they are strongly urged to give the applicant formal notice to that effect. Where reviews have been completed prior to completion of an application, an information copy will be supplied to the clearinghouse, upon request, when the application is submitted to the funding agency.

d. Written comments submitted to the areawide clearinghouse by other jurisdictions, agencies, or parties will be included as attachments to the comments of areawide clearinghouses, when they are at variance with the clearinghouse comments; and others from whom comments were solicited and received should be listed.

e. Applications submitted to clearinghouses for review from nongovernmental applicants are not required to include confidential information concerning the financial status or structure or the personnel of the applicant organization, even though, under some programs, such information would be required to be sent to the funding agency as part of the application.

f. Applicants will include with the completed application as submitted to the Federal agency (or to the State agency

in the case of projects for which the State, under certain programs, has final project approval):

(1) All comments and recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to submission of the application; or

(2) Where no comments have been received from a clearinghouse, a statement that the procedures outlined in this section have been followed and that no comments or recommendations have been received.

g. Applications for renewal or continuation grants or applications not submitted to or acted on by the funding agency within one year after completion of clearinghouse review will be subject to re-review upon request of the clearinghouse.

5. *Subject matter of comments and recommendations.* Comments and recommendations made by or through clearinghouses with respect to any project are for the purpose of assuring maximum consistency of such project with State, areawide, and local comprehensive plans. They are also intended to assist the Federal agency (or State agency, in the case of projects for which the State under certain Federal grants has final project approval) administering such a program in determining whether the project is in accord with applicable Federal law, particularly those requiring consistency with State, areawide, or local plans. Comments or recommendations, as may be appropriate, may include, but need not be limited to, information about:

a. The extent to which the project is consistent with or contributes to the fulfillment of comprehensive planning for the State, area, or locality.

b. The extent to which the proposed project:

(1) Duplicates, runs counter to, or needs to be coordinated, with other projects or activities being carried out in or affecting the area; or

(2) Might be revised to increase its effectiveness or efficiency.

c. The extent to which the project contributes to the achievement of State, areawide, and local objectives and priorities relating to natural and human resources and economic and community development as specified in section 401 of the Intergovernmental Cooperation Act of 1968, including:

(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

(2) Wise development and conservation of natural resources, including land, water, mineral, wildlife, and others;

(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) Adequate outdoor recreation and open space;

(5) Protection of areas of unique natural beauty, historical and scientific interest;

(6) Properly planned community facilities, including utilities for the supply of power, water, and communications,

for the safe disposal of wastes, and for other purposes; and

(7) Concern for high standards of design.

d. As provided under section 102(2)(C) of the National Environmental Policy Act of 1969, the extent to which the project significantly affects the environment including consideration of:

(1) The environmental impact of the proposed project;

(2) Any adverse environmental effects which cannot be avoided should the proposed project be implemented;

(3) Alternatives to the proposed project;

(4) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed project or action, should it be implemented.

e. Effects on energy resource supply and demand.

f. As provided under section 307(d) of the Coastal Zone Management Act of 1972, in the case of a project located in the coastal zone, the relationship of the project to the approved State program for the management of the coastal zone and its consistency therewith.

g. The extent to which the project contributes to more balanced patterns of settlement and delivery of services to all sectors of the area population, including minority groups.

h. In the case of a project for which assistance is being sought by a special purpose unit of local government, whether the unit of general local government having jurisdiction over the area in which the project is to be located has applied, or plans to apply for assistance for the same or a similar type project. This information is necessary to enable the Federal (or State) agency to make the judgments required under section 402 of the Intergovernmental Cooperation Act of 1968.

6. *Federal agency procedures.* Federal agencies having programs covered under this Part will develop appropriate procedures for:

a. Informing potential applicants for assistance under such programs of the requirements of this Part (1) in program information materials, (2) in response to inquiries respecting application procedures, (3) in pre-application conferences, or (4) by other means which will assure earliest contact between applicant and clearinghouses.

b. Assuring that all applications for assistance under programs covered by this part have been submitted to appropriate clearinghouses for review prior to their submission to the funding agency. Applications that do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application will be returned to the applicant with instructions to fulfill the requirements of this Part. Agencies will insure that all applications contain a State Application Identifier (SAI) number. (This is mandatory for use in

notifying clearinghouses of action taken on the application.)

c. Notifying such clearinghouses within seven working days of any major action taken on such applications that have been reviewed by said clearinghouses. Major actions will include awards, rejections, returns for amendment, deferrals, or withdrawals. The standard multipurpose form, SF 424, as prescribed by Treasury Circular TC 1082 (as revised, October 1975) will be used for this purpose.

d. Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and the funding agency approves the application substantially as submitted, the funding agency will provide the clearinghouse, in writing, with an explanation therefor.

e. Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, the funding agency will consult with the agency assisting the referenced projects prior to acting if it plans to approve the application.

f. Assuring, in the case of an application submitted by a special purpose unit of local government, where accompanying comments indicate that the unit of general local government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance for the same or a similar type project, that appropriate considerations and preferences as specified in section 402 of the Intergovernmental Cooperation Act of 1968, are accorded the unit of general local government. Where such preference cannot be so accorded, the agency shall supply, in writing, to the unit of general local government and the Office of Management and Budget its reasons therefor.

7. *Housing Programs.* For housing programs of the Department of Housing and Urban Development, the Veterans Administration, and the Farmers Home Administration of the Department of Agriculture the following procedures will be followed, except as provided in subparagraph d below:

a. The appropriate HUD, VA, or USDA/FHA office will transmit to the appropriate State and areawide clearinghouses a copy of the initial application for project approval.

b. Clearinghouses will have 30 days from receipt to review the applications and to forward to the HUD, VA, or USDA/FHA office any comments which they may have, including observations concerning the consistency of the proposed project with State and areawide development plans, the extent to which the proposed project will provide housing opportunities for all segments of the community, and identification of major environmental concerns including impact on energy resource supply and demand. Processing of applications in the HUD, VA, or USDA/FHA office will proceed concurrently with the clearinghouse review.

c. This procedure will include only applications involving new construction or substantial rehabilitation and will apply to applications for loans, loan guarantees, mortgage insurance, or other housing assistance:

(1) In cities over 50,000 population and contiguous urbanized areas having a population density of over 1000 persons per square mile, to:

(a) Subdivisions having 25 or more lots.

(b) Multifamily projects having 50 or more dwelling units.

(c) Mobile home courts with 50 or more spaces.

(d) College housing provided under the debt service or direct loan programs for 200 or more students.

(2) In all other areas, to:

(a) Subdivisions having 10 or more lots.

(b) Multifamily projects having 25 or more dwelling units.

(c) Mobile home courts with 25 or more spaces.

(d) College housing provided under the debt service or direct loan programs for 100 or more students.

d. As an alternative to the above procedure, the developer may submit his application directly to the appropriate clearinghouses prior to submitting it to the Federal agency. In such cases, the application, when submitted to the Federal agency, will be accompanied by the comments of the clearinghouses.

e. Exemption: Applications for additional units in a subdivision substantially completed (i.e., with streets, water and sewer facilities, culverts, etc.) are exempted from this requirement when:

(1) The subdivision was approved and/or recorded by the appropriate unit of local government within three years of the application submittal; and

(2) In cases of subdivisions approved more than three years prior, the clearinghouses waive the requirement. This exemption does not apply to applications for housing in an undeveloped subdivision or in proposed extensions of existing subdivisions.

8. *Coverage, exceptions, and variations.* a. Generally, this Part of this Circular and the laws on which it is based are concerned with programs providing financial assistance to projects and activities which have an impact on State, areawide, and local development, including development of natural, economic, and human resources. This Part is concerned with achieving the most effective and efficient utilization of Federal assistance programs through coordination among and between Federal, multistate, State, areawide, and local plans and programs and the elimination of conflict, overlap, and duplication of projects and activities under such programs. Coverage under this Part includes, or will be extended from time to time as deemed necessary and practicable to include programs bearing upon these concerns and objectives.

b. Programs not considered appropriate to this Part are programs of the following types:

(1) Direct financial assistance to individuals or families for housing, welfare, health care services, education, training, economic improvement, and other direct assistance for individual and family enhancement.

(2) Incentive payments or insurance for private sector activities not involving real property development or land use and development.

(3) Agricultural crop supports or payments.

(4) Assistance to organizations and institutions for the provision of education or training not designed to meet the needs of specific individual States or localities.

(5) Research, not involving capital construction, which is national in scope or is not designed to meet the needs or to address problems of a particular State, area, or locality (except in the case of demonstration or pilot research programs where projects may have an impact on the community or area in which they are being conducted).

(6) Assistance to educational, medical, or similar service institutions or agencies for internal staff development or management improvement purposes.

(7) Assistance to educational institutions for activities that are part of a school's regular academic program and are not related to the programs of health, welfare, employment, or other social service agencies.

(8) Assistance for construction involving only routine maintenance, repair, or minor construction which does not change the use or the scale or intensity of use of the structure.

c. OMB will consider Federal agency requests for exemption of certain classes of projects or activities under programs otherwise covered which:

(1) Meet any of the above characteristics of programs inappropriate for coverage under this Part;

(2) Are of small scale or size or are highly localized as to impact; or

(3) Display other characteristics which might make review impractical.

d. OMB will consider Federal agency requests for procedural variations from normal review processes:

(1) On a temporary basis for programs with time constraints brought about because of start up requirements or other unusual circumstances beyond the control of the funding agency. (Note: Delay in fund availability is not normally an acceptable reason for a variation. When a delay is anticipated, applicants should be instructed to have their applications reviewed by clearinghouses in readiness for submission when funds become available.)

(2) For programs where statutory or related procedural limitations make the normal review processes impracticable.

e. All requests from Federal agencies for exemptions or procedural variations should be addressed to the Associate Director for Management and Operations, Office of Management and Budget.

f. Individual clearinghouses may exempt certain types of projects from review for reasons indicated above or for other reasons appropriate to the State or area.

g. Applicants should be made aware that in various States State law requires review of applications for Federal assistance under various programs not covered by this Part. Implementation of such laws is enforced through State rules and regulations, and applicants are urged to ascertain the existence of such laws and to acquaint themselves with applicable State procedures.

9. *Agency regulations.* a. Proposed agency regulations for implementing the requirements of this Part will be published in the Federal Register as specified in paragraph 7 of this Circular. Programs to which the regulations will apply will be cited by their numbers in the *Catalog of Federal Domestic Assistance*. Where such numbers have not yet been assigned, programs will be referenced by Public Law and section or by U.S. Code citation. Subsequent amendments to such regulations will also be published pursuant to paragraph 7.

b. As a part of such proposed regulations published in the Federal Register, agencies may identify specific types of projects which they believe should be exempt from coverage under programs for which proposed regulations are being published. Such publication will constitute a formal request for exemption to the Office of Management and Budget, to which it will respond in its review of the proposed regulations.

c. OMB will assist and cooperate with agencies in developing such regulations.

d. A copy of agency internal procedures for implementation of this Part, if not contained in the above regulations, will be sent to the Associate Director of the Office of Management and Budget for Management and Operations.

10. *Reports and directories.* a. The Director of the Office of Management and Budget may require reports, from time to time, on the implementation of this Part.

b. The Office of Management and Budget will maintain and distribute to appropriate Federal agencies a directory of State and areawide clearinghouses.

c. The Office of Management and Budget will notify Federal Regional Councils, clearinghouses, and Federal agencies of any excepted categories of projects under covered programs.

Part II: Direct Federal development

1. *Purpose.* The purpose of this Part is to:

a. Provide State and local government with information on projected Federal development so as to facilitate coordination with State, areawide, and local plans and programs.

b. Provide Federal agencies with information on the relationship of proposed direct Federal development projects and activities to State, areawide, and local plans and programs; and to assure maximum feasible consistency of Federal developments with State, areawide, and local plans and programs.

c. Provide Federal agencies with information on the possible impact on the environment of proposed Federal development.

2. *Coordination of direct Federal development projects with State, areawide, and local development.* a. Federal agencies having responsibility for the planning and construction of Federal buildings and installations or other Federal public works or development or for the acquisition, use, and disposal of Federal land and real property will establish procedures for:

(1) Consulting with Governors, State and areawide clearinghouses, and local elected officials at the earliest practicable stage in project or development planning on the relationship of any plan or project to the development plans and programs of the State, area, or locality in which the project is to be located. In the case of projects in the National Capital Region, such consultation should be undertaken in cooperation with the National Capital Planning Commission.

(2) Assuring that any such Federal plan or project is consistent or compatible with State, areawide, and local development plans and programs identified in the course of such consultations. Exceptions will be made only where there is clear justification. Explanation of any necessary inconsistency or incompatibility will be provided, in writing, to the appropriate clearinghouses.

(3) Providing State, areawide, and local agencies which are authorized to develop and enforce environmental standards with adequate opportunity to review such Federal plans and projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Any comments of such agencies will accompany the environmental impact statement submitted by the Federal agency.

(4) Providing, in the case of projects located in the coastal zone, the State agency responsible for administration of the approved program for the management of the coastal zone with opportunity to review the relationship of the proposed project to such program and its consistency therewith.

(5) Providing, through the appropriate clearinghouses, Health Systems Agencies and State Health Planning and Development Agencies designated pursuant to the National Health Planning and Resources Development Act of 1974 with adequate opportunity to review Federal projects for construction and/or equipment involving capital expenditures exceeding \$200,000 for modernization, conversion, and expansion of Federal inpatient care facilities, which alter the bed capacity or modify the primary function of the facility, as well as plans for provision of major new medical care services. (Excluded are projects to renovate or install mechanical systems, air conditioning systems, or other similar internal system modifications.) The agencies are expected to evaluate proposed Federal projects for consistency with areawide and local health delivery plans and health supply-demand situations, as well as considering clearinghouse comments on such specific points as those listed in paragraph 5 of Part I. The comments of such agencies and any clearinghouse comments will accompany

the plan and budget requests submitted by the Federal agency to the Office of Management and Budget or a certification that the agencies had been provided a reasonable time to comment and had failed to do so.

3. *Use of clearinghouses.* The State and areawide planning and development clearinghouses established pursuant to Part I will be utilized to the greatest extent practicable to effectuate the requirements of this Part. Agencies are urged to establish early contact with clearinghouses to work out arrangements for carrying out the consultation and review required under this Part, including identification of types of projects considered appropriate for consultation and review. Clearinghouses may utilize criteria set forth in paragraph 5 of Part I in evaluating direct Federal development projects.

4. *Federal licenses and permits.* Agencies responsible for granting Federal licenses and permits for development projects and activities which would have a significant impact on State, interstate, areawide, or local development plans or programs or on the environment are urged to consult with State and areawide clearinghouses and to seek their evaluations of such impacts prior to granting such licenses or permits.

5. *Agency regulations.* a. To the greatest extent possible, agencies engaged in direct Federal development activities will follow the general procedures outlined under Part I of Attachment A in affording State and areawide clearinghouses opportunities to review and comment on plans and developments.

b. Where legislative or executive constraints or other circumstances do not permit following such procedures, agency regulations will set forth for each program, at a minimum:

- (1) The point in project planning at which clearinghouses will be contacted;
- (2) The minimum time clearinghouses will be afforded to review the proposed project;
- (3) The minimum information to be provided to the clearinghouses; and
- (4) Procedures for notifying clearinghouses on actions taken on such project (implementation, timing, postponement, abandonment) and explaining actions taken contrary to clearinghouse recommendations.

c. The Office of Management and Budget will consider other procedures such as memoranda of agreement between Federal installations and clearinghouses for coordinating Federal and civilian planning, that are designed to achieve the objectives of this Part.

d. All proposed agency procedures to implement this Part will be published in the Federal Register pursuant to paragraph 7 of the Circular. OMB will assist and cooperate with agencies in developing such regulations.

Part III: State plans and multisource programs

1. *Purpose.* The purpose of this Part is to provide Federal agencies with information about the relationship to State or areawide comprehensive planning of

State plans or multisource programs which are required or form the basis for funding under various Federal programs.

2. *State plans.* To the extent not presently required by statute or administrative regulation, Federal agencies administering programs requiring by statute or regulation a State plan as a condition of assistance under such programs will require that the Governor, or his delegated agency, be given the opportunity to comment on the relationship of such State plan to comprehensive and other State plans and programs and to those of affected areawide or local jurisdictions. To the extent practical, the Governor is urged to involve areawide clearinghouses in the review of State plans.

a. The Governor will be afforded a period of 45 days in which to make such comments, and any such comments will be transmitted with the plan.

b. A "State plan" under this Part is defined to include any required supporting planning reports or documentation that indicate the programs, projects, and activities for which Federal funds will be utilized. Such reports or documentation will also be submitted for review at the request of the Governor or the agency he has designated to perform review under this Part.

c. Programs requiring State plans are listed in Appendix II of the *Catalog of Federal Domestic Assistance*.

3. *Multisource programs.* A "multisource program" under this Part is a program or programs of related activities which may have an impact on State, areawide, or local developments for which assistance is sought, on a combined or coordinated basis, involving two or more Federal programs or funding authorities.

a. Federal agencies administering or participating in the administration of multisource programs will require that appropriate State and areawide clearinghouses be given the opportunity to comment on the relationship of any proposed multisource program to State or areawide comprehensive plans and programs. Clearinghouses will be afforded a period of 45 days in which to make such comments, and any comments will be transmitted with the application for assistance under such multisource program.

b. Multisource programs include the following programs, plus such other programs as the Office of Management and Budget shall specify from time to time:

- (1) Joint Funding Projects (P.L. 93-510)
- (2) Unified Work Program (DOT 1130.2)
- (3) Environmental Protection—Consolidated Program Grants (EPA) (*Catalog* 66.600)

Part IV: Coordination of planning in multijurisdictional areas

1. *Policies and objectives.* The purposes of this Part are:

a. To encourage and facilitate State and local initiative and responsibility in developing organizational and procedural arrangements for coordinating comprehensive and functional planning activities.

b. To eliminate overlap, duplication, and competition in areawide activities assisted or required under Federal programs and to encourage the most effective use of State and local resources available for planning.

c. To minimize inconsistency among Federal administrative and approval requirements placed on areawide planning activities.

d. To encourage the States to exercise leadership in delineating and establishing a system of planning and development districts or regions in each State, which can provide a consistent geographic base for the coordination of Federal, State, and local development programs.

e. To encourage Federal agencies administering programs assisting or requiring areawide planning to utilize agencies that have been designated to perform areawide comprehensive planning in planning and development districts or regions established pursuant to subparagraph d above (generally, areawide clearinghouses designated pursuant to Part I of Attachment A of this Circular) to carry out or coordinate planning under such programs. In the case of interstate metropolitan areas, agencies designated as metropolitan areawide clearinghouses should be utilized to the extent possible to carry out or coordinate Federally assisted or required areawide planning.

2. *Common or consistent planning and development districts or regions.* a. Prior to the designation or redesignation (or approval thereof) of any planning and development district or region under any Federal program, Federal agency procedures will provide a period of 30 days for the Governor(s) of the State(s) in which the district or region will be located to review the boundaries thereof and comment upon its relationship to planning and development districts or regions established by the State. Where the State has established such planning and development districts, the boundaries of areas designated under Federal programs will conform to them unless there is clear justification for not doing so.

b. Where the State has not established planning and development districts or regions which provide a basis for evaluation of the boundaries of the area proposed for designation, major units of general local government and the appropriate Federal Regional Council in such areas will also be consulted prior to designation of the area to assure consistency with districts established under interlocal agreement and under related Federal programs.

c. The Office of Management and Budget will be notified through the appropriate Federal Regional Council by Federal agencies of any proposed designation and will be informed of such designation when it is made, including such justifications as may be required under subparagraph a above.

3. *Common and consistent planning bases and coordination of related activities in multijurisdictional areas.* Each agency will develop procedures and requirements for applications for multijurisdictional planning and development

Part V: Definitions

assistance under appropriate programs to assure the fullest consistency and coordination with related planning and development being carried on by the areawide comprehensive planning agency or clearinghouse designated under Part I of this Circular in the multijurisdictional area.

Such procedures shall include provision for submission to the funding agency by any applicant for multijurisdictional planning assistance, if the applicant is other than an areawide comprehensive planning agency referred to in paragraph 1e of this Part, of a memorandum of agreement between the applicant and such areawide comprehensive planning agency covering the means by which their planning activities will be coordinated. The agreement will cover but need not be limited to the following matters:

- a. Identification of relationships between the planning proposed by the applicant and that of the areawide agency and of similar or related activities that will require coordination;
- b. The organizational and procedural arrangements for coordinating such activities, such as: overlapping board membership, procedures for joint reviews of projected activities and policies, information exchange, etc.;
- c. Cooperative arrangements for sharing planning resources (funds, personnel, facilities, and services);
- d. Agreed upon base data, statistics, and projections (social, economic, demographic) on the basis of which planning in the area will proceed.

Where an applicant has been unable to effectuate such an agreement, he will submit a statement indicating the efforts he has made to secure agreement and the issues that have prevented it. In such case, the funding agency, in consultation with the Federal Regional Council and the State clearinghouse designated under Part I, will undertake, within a 30 day period after receipt of the application, resolution of the issues before approving the application, if it is otherwise in good order.

4. *Joint funding.* Where it will enhance the quality, comprehensive scope, and coordination of planning in multijurisdictional areas, Federal agencies will, to the extent practicable, provide for joint funding of planning activities being carried on therein.

5. *Coordination of agency procedures and requirements.* With respect to the steps called for in paragraphs 2 and 3 of this Part, departments and agencies will develop for relevant programs appropriate draft procedures and requirements which will be published in the *FEDERAL REGISTER* pursuant to paragraph 7 of this Circular. Copies of such drafts will be furnished to the Director of the Office of Management and Budget and to the heads of departments and agencies administering related programs. The Office, in consultation with the agencies, will review the draft procedures to assure the maximum obtainable consistency among them.

Terms used in this Circular will have the following meanings:

1. *Federal agency*—any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation.
2. *State*—any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.
3. *Unit of general local government*—any city, county, town, parish, village, or other general purpose political subdivision of a State.
4. *Special purpose unit of local government*—any special district, public purpose corporation, or other strictly limited purpose political subdivision of a State, but shall not include a school district.
5. *Federal assistance, Federal financial assistance, Federal assistance programs, or federally assisted programs*—programs that provide assistance through grant or contractual arrangements. They include technical assistance programs, or programs providing assistance in the form of loans, loan guarantees, or insurance. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code sec. 47-2501a and 47-2501b).
6. *Funding agency.* The Federal agency or, in the case of certain formula grant programs, the State agency which is responsible for final approval of applications for assistance.
7. *Comprehensive planning*, to the extent directly related to area needs or needs of a unit of general local government, including the following:
 - a. Preparation, as a guide for governmental policies and action, of general plans with respect to:
 - (1) Pattern and intensity of land use,
 - (2) Provision of public facilities (including transportation facilities) and other government services,
 - (3) Effective development and utilization of human and natural resources.
 - b. Preparation of long range physical and fiscal plans for such action.
 - c. Programming of capital improvements and other major expenditures, based on a determination of related urgency, together with definitive financing plans for such expenditures in the earlier years of the program.
 - d. Coordination of all related plans and activities of the State and local governments and agencies concerned.
 - e. Preparation of regulatory and administrative measures in support of the foregoing.
8. *Metropolitan area*—a standard metropolitan statistical area as established by the Office of Management and Budget, subject, however, to such modifications and extensions as the Office of Management and Budget may determine to be appropriate for the purposes of section 204 of the Demonstration Cities and Met-

ropolitan Development Act of 1966, and these Regulations.

9. *Areawide*—Comprising, in metropolitan areas, the whole of contiguous urban and urbanizing areas; and in non-metropolitan areas, contiguous counties or other multijurisdictional areas having common or related social, economic, or physical characteristics indicating a community of developmental interests; or, in either, the area included in a sub-state district designated pursuant to paragraph 1d, Part IV, Attachment A of this Circular.

10. *Planning and development clearinghouse or clearinghouse* includes:

a. *"State clearinghouse"*—an agency of the State Government designated by the Governor or by State law to carry out the requirements of Part I of Attachment A of this Circular.

b. *"Areawide clearinghouse"*—(1) In nonmetropolitan areas a comprehensive planning agency designated by the Governor (or Governors in the case of regions extending into more than one State) or by State law to carry out requirements of this Circular; or

(2) In metropolitan areas an areawide agency that has been recognized by the Office of Management and Budget as an appropriate agency to perform review functions under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and this Circular.

11. *Multijurisdictional area*—any geographical area comprising, encompassing, or extending into more than one unit of general local government.

12. *Planning and development district or region*—a multijurisdictional area that has been formally designated or recognized as an appropriate area for planning under State law or Federal program requirements.

13. *Direct Federal development*—planning and construction of public works, physical facilities, and installations of land and real property development (including the acquisition, use, and disposal of real property) undertaken by or for the use of the Federal Government or any of its agencies; or the leasing of real property for Federal use where the use or intensity of use of such property will be substantially altered.

ATTACHMENT B—CIRCULAR NO. A-95—REVISED

SECTION 204 OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966 AS AMENDED (80) STAT. 1263, §2 STAT. 208)

"Sec. 204. (a) All applications made after June 30, 1967, for Federal loans or grants to assist in carrying out open-space land projects or for planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewage facilities and waste treatment works, highways, transportation facilities, law enforcement facilities, and water development and land conservation projects within any metropolitan area shall be submitted for review—

"(1) to any areawide agency which is designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of a unit of areawide government or of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning, and

"(2) if made by a special purpose unit of local government, to the unit or units of general local government with authority to operate in the area within which the project is to be located.

"(b) (1) Except as provided in paragraph (2) of this subsection, each application shall be accompanied (A) by the comments and recommendations with respect to the project involved by the areawide agency and governing bodies of the units of general local government to which the application has been submitted for review, and (B) by a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application. Such comments shall include information concerning the extent to which the project is consistent with comprehensive planning developed or in the process of development for the metropolitan area or the unit of general local government, as the case may be, and the extent to which such project contributes to the fulfillment of such planning. The comments and recommendations and the statement referred to in this paragraph shall, except in the case referred to in paragraph (2) of this subsection, be reviewed by the agency of the Federal Government to which such application is submitted for the sole purpose of assisting it in determining whether the application is in accordance with the provisions of Federal law which govern the making of the loans or grants.

"(2) An application for a Federal loan or grant need not be accompanied by the comments and recommendations and the statements referred to in paragraph b(1) of this subsection, if the applicant certifies that a plan or description of the project, meeting the requirements of such rules and regulations as may be prescribed under subsection (c), or such application, has been made before an appropriate areawide agency or instrumentality or unit of general local government for a period of sixty days without comments or recommendations thereon being made by such agency or instrumentality.

"(3) The requirements of paragraphs (1) and (2) shall also apply to any amendment of the application which, in light of the purposes of this title, involves a major change in the project covered by the application prior to such amendment.

"(c) The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section."

TITLE IV OF THE INTERGOVERNMENTAL CO-OPERATION ACT OF 1968 (82 STAT. 1103)

"TITLE IV—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOPMENT ASSISTANCE PROGRAMS"

"DECLARATION OF DEVELOPMENT ASSISTANCE POLICY"

"Sec. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of small communities and rural areas. The President shall, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

"(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

"(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

"(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

"(4) Adequate outdoor recreation and open space;

"(5) Protection of areas of unique natural beauty, historical and scientific interest;

"(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

"(7) Concern for high standards of design.

"(b) All viewpoints—national, regional, State and local—shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

"(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration

shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

"(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

"(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning."

"FAVORING UNITS OF GENERAL LOCAL GOVERNMENT"

"Sec. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government."

"RULES AND REGULATIONS"

"Sec. 403. The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title."

ATTACHMENT C—CIRCULAR NO. A-95 REVISED

SECTION 102 (2) (C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (83 STAT. 853)

"Sec. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall— . . .

"(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

"(i) The environmental impact of the proposed action.

"(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

"(iii) Alternatives to the proposed action.

"(iv) The relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity, and

"(v) Any irreversible or irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes; . . ."

ATTACHMENT D—CIRCULAR NO. A-95 REVISED

COVERAGE OF PROGRAMS UNDER ATTACHMENT A, PART I

1. Programs listed below are referenced several ways, due to transitional phases in program development, funding status, etc. Generally, citations are to programs as they are listed in the June, 1975 *Catalog of Federal Domestic Assistance*. For certain new legislation, *Catalog* citations have not yet been developed. In such cases, references are to Public Law number and section. When no funding is available for a program, it is not generally listed in the *Catalog* or this Attachment; but if funding becomes available for a program previously covered, it continues to be covered unless specifically exempted by OMB. The *Catalog* is issued annually and revised periodically during the year. Every effort will be made to keep Appendix I and Attachment D current. Reference should always be made to the one bearing the latest issue date.

Asterisks indicate certain State formula grant programs requiring State plans which are also covered under Part III. When listed under this Part, reference is to applications for subgrants under the State allocation, not to the State's application for its allocation under the formula grant.

2. Heads of Federal departments and agencies may, with the concurrence of the Office of Management and Budget, exclude certain categories of projects or activities under listed programs from the requirements of Attachment A, Part I. See Part I, paragraph 8.

3. Covered programs.

DEPARTMENT OF AGRICULTURE

- 10.405 Farm Labor Housing Loans and Grants.
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans.
- 10.410 Low to Moderate Income Housing Loans.
- 10.411 Rural Housing Site Loans.
- 10.414 Resource Conservation and Development Loans.
- 10.415 Rural Rental Housing Loans.
- 10.418 Water and Waste Disposal Systems for Rural Communities.

- 10.419 Watershed Protection and Flood Prevention Loans.
- 10.422 Business and Industrial Development Loans (Exception: Loans to rural small businesses having no significant impact outside community in which located.).
- 10.423 Community Facilities Loans.
- 10.424 Industrial Development Grants.
- 10.658 Cooperative Forest Insect and Disease Control.
- 10.901 Resources Conservation and Development (Exception: Small projects costing under \$7500 for erosion and sediment control and land stabilization and for rehabilitation and consolidation of existing irrigation systems.).
- 10.904 Watershed Protection and Flood Prevention.

DEPARTMENT OF COMMERCE

- 11.300 Economic Development-Grants and Loans for Public Works and Development Facilities.
- 11.301 Economic Development-Business Development Assistance (Construction only).
- 11.302 Economic Development-Planning Assistance.
- 11.303 Economic Development-Technical Assistance.
- 11.304 Economic Development-Public Works Impact Projects (Procedural variation).
- 11.305 Economic Development-State and Local Economic Development Planning.
- 11.306 Economic Development-District Operational Assistance.
- 11.307 Economic Development-Special Economic Development and Adjustment Assistance Program.
- 11.495 Anadromous and Great Lakes Fisheries Development.
- 11.407 Commercial Fisheries Research and Development.
- 11.418 Coastal Zone Management Program Development.
- 11.419 Coastal Zone Management Program Administration.
- 11.800 OMBE-Minority Business Enterprise (Except technical and management assistance provided by private firms to individual small businesses at their request.).

DEPARTMENT OF DEFENSE

- 12.101 Beach Erosion Control Projects.
- 12.106 Flood Control Projects.
- 12.107 Navigation Projects.
- 12.108 Snagging and Clearing for Flood Control.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

- 13.210* Comprehensive Public Health Services-Formula Grants.
- 13.211 Crippled Children's Services.
- 13.217* Family Planning Projects.
- 13.224 Health Services Development-Project Grants.
- 13.232* Maternal and Child Health Services.
- 13.237 Mental Health-Hospital Improvement Grants.
- 13.240 Mental Health - Community Mental Health Centers.
- 13.246 Migrant Health Grants.

- 13.251 Alcohol-Community Service Programs.
- 13.252 Mental Health-Direct Grants for Special Projects (Alcoholism).
- 13.254 Drug Abuse Demonstration Programs.
- 13.256 Office for Health Maintenance Organization (HMOS).
- 13.258 National Health Service Corps.
- 13.259 Mental Health-Children's Services.
- 13.260 Family Planning Services-Training Grants.
- 13.261 Family Health Centers.
- 13.266 Childhood Lead-Based Paint Poisoning Control.
- 13.267 Urban Rat Control.
- 13.268 Disease Control-Project Grants.
- 13.275 Drug Abuse Education Programs.
- 13.284 Emergency Medical Services.
- 13.286 Limitation on Federal Participation for Capital Expenditures.
- 13.340 Health Professions Teaching Facilities-Construction Grants.
- 13.369 Nursing School Construction.
- 13.378 Health Professions Teaching Facilities-Loan Guarantees and Interest Subsidies.
- 13.392 Cancer-Construction.
- 13.400* Adult Education-Grants to States.
- 13.401 Adult Education-Special Projects.
- 13.408 Construction of Public Libraries.
- 13.421 Educational Personnel Training Grants-Career Opportunities.
- 13.427 Educationally Deprived Children-Handicapped.
- 13.428* Educationally Deprived Children-Local Educational Agencies.
- 13.429 Educationally Deprived Children-Migrants.
- 13.433 Follow Through.
- 13.464 Library Services-Grants for Public Libraries.
- 13.477 School Assistance in Federally Affected Areas-Construction.
- 13.493* Vocational Education-Basic Grants to States.
- 13.494* Vocational Education-Consumer and Homemaking.
- 13.495* Vocational Education-Cooperative Education.
- 13.499* Vocational Education-Special Needs.
- 13.502* Vocational Education-Innovation.
- 13.516 Supplementary Educational Centers and Services-Special Programs and Projects.
- 13.519* Supplementary Educational Centers and Services, Guidance, Counseling, and Testing (PACE).
- 13.520 Special Programs for Children with Specific Learning Disabilities.
- 13.522 Environmental Education.
- 13.543 Educational Opportunity Centers.
- 13.600 Child Development-Head Start.
- 13.609* Special Programs for the Aging.
- 13.612 Native American Programs.
- 13.624* Rehabilitation Services and Facilities-Basic Support.
- 13.626 Rehabilitation Services and Facilities-Special Projects.

- 13.623 Child Development-Child Abuse and Neglect Prevention and Treatment.
 13.630* Developmental Disabilities-Basic Support.
 13.631 Developmental Disabilities-Special Projects.
 P.L. 93-318: (Section 161) Construction of Academic Facilities.
 P.L. 93-415: (Title III) Runaway Youths Projects.
 P.L. 93-641: (Section 1516) Planning Grants to Health Systems Agencies; (Section 1601 *et seq.*, Title XVI Public Health Service Act) Assistance for modernization, construction or conversion of medical facilities. These programs will replace *Catalog* 13.206, 13.220, 13.249, and 13.253.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.001 Flood Insurance (Applications for community eligibility).
 14.103 Interest Reduction Payments-Rental and Cooperative Housing for Lower Income Families.
 14.105 Interest Subsidy-Homes for Lower Income Families.
 14.112 Mortgage Insurance-Construction or Rehabilitation of Condominium Projects.
 14.115 Mortgage Insurance-Development of Sales-Type Cooperative Projects.
 14.116 Mortgage Insurance-Group Practice Facilities.
 14.117 Mortgage Insurance-Homes.
 14.118 Mortgage Insurance-Homes for Certified Veterans.
 14.119 Mortgage Insurance-Homes for Disaster Victims.
 14.120 Mortgage Insurance-Homes for Low and Moderate Income Families.
 14.121 Mortgage Insurance-Homes in Outlying Areas.
 14.122 Mortgage Insurance-Homes in Urban Renewal Areas.
 14.124 Mortgage Insurance-Investor Sponsored Cooperative Housing.
 14.125 Mortgage Insurance-Land Development and New Communities.
 14.126 Mortgage Insurance-Management-Type Cooperative Projects.
 14.127 Mortgage Insurance-Mobile Home Parks.
 14.128 Mortgage Insurance-Hospitals.
 14.129 Mortgage Insurance-Nursing Homes and Related Care Facilities.
 14.134 Mortgage Insurance-Rental Housing.
 14.135 Mortgage Insurance-Rental Housing for Moderate Income Families.
 14.137 Mortgage Insurance-Rental Housing for Low and Moderate Income Families, Market Interest Rate.
 14.138 Mortgage Insurance-Rental Housing for the Elderly.
 14.139 Mortgage Insurance-Rental Housing in Urban Renewal Areas.
 14.141 Nonprofit Housing Sponsor Loans-Planning Projects for Low and Moderate Income Families.
 14.146 Public Housing-Acquisition (Turnkey and Conventional Production Methods) (New construction only).

- 14.149 Rent Supplements-Rental Housing for Lower Income Families.
 14.154 Mortgage Insurance-Experimental Rental Housing.
 14.156 Lower Income Housing Assistance Program.
 14.203 Comprehensive Planning Assistance.
 14.207 New Communities-Loan Guarantees.
 14.218 Community Development Block Grants-Entitlement Grants.
 14.219 Community Development Block Grants-Discretionary Grants.
 14.702 State Disaster Preparedness Grants.

DEPARTMENT OF THE INTERIOR

- 15.350 Coal Mine Health and Safety Grants.
 15.400* Outdoor Recreation-Acquisition, Development and Planning.
 15.501 Irrigation Distribution System Loans.
 15.503 Small Reclamation Projects.
 15.600 Anadromous Fish Conservation.
 15.605 Fish Restoration.
 15.611 Wildlife Restoration.
 15.904 Historic Preservation.

DEPARTMENT OF JUSTICE

- 16.500 Law Enforcement Assistance-Comprehensive Planning Grants.
 16.501 Law Enforcement Assistance-Discretionary Grants.
 16.502* Law Enforcement Assistance-Improving and Strengthening Law Enforcement and Criminal Justice.
 16.515 Criminal Justice Systems Development.
 16.516 LEAA Juvenile Justice and Delinquency Prevention Comprehensive Planning.
 16.517 LEAA Juvenile Justice and Delinquency Prevention Special Emphasis Prevention and Treatment.

DEPARTMENT OF LABOR

- 17.211 Job Corps.
 17.226 Work Incentives Program (WIN).
 17.230 Farm Workers (Procedural variation).
 17.232* Comprehensive Employment and Training Programs.

DEPARTMENT OF TRANSPORTATION

- 20.102 Airport Development Aid Program.
 20.103 Airport Planning Grant Program.
 20.205 Highway Research, Planning, and Construction.
 20.214 Highway Beautification-Control of Outdoor Advertising, Control of Junkyards, Landscaping and Scenic Enhancement.
 20.500 Urban Mass Transportation Capital Improvement Grants (Planning and construction only).
 20.501 Urban Mass Transportation Capital Improvement Loans (Planning and construction only).
 20.505 Urban Mass Transportation Technical Studies Grants (Planning and construction only).

- 20.506 Urban Mass Transportation Demonstration Grants.
 20.507 Urban Mass Transportation Capital and Operating Assistance Formula Grants.

APPALACHIAN REGIONAL COMMISSION

- 23.002 Appalachian Supplements to Federal Grants-in-Aid (Basic grants only).
 23.003 Appalachian Development Highway System.
 23.004 Appalachian Health Demonstration.
 23.005 Appalachian Housing Planning Loan.
 23.008 Appalachian Local Access Roads.
 23.010 Appalachian Mine Area Restoration.
 23.011 Appalachian State Research, Technical Assistance, and Demonstration Projects.
 23.012 Appalachian Vocational Education Facilities and Operations.
 23.013 Appalachian Child Development.
 23.016 Appalachian Vocational Education and Technical Education Demonstration Grants.

NOTE.—Administration of these grants is not in the Commission but in the appropriate program agency—e.g. 23.003 is handled by DOT.

COASTAL PLAINS REGIONAL COMMISSION

- 28.001 Coastal Plains Regional Economic Development.
 28.002 Coastal Plains Technical and Planning Assistance.
 28.003 Coastal Plains Supplements to Federal Grants-in-Aid (Basic grants only).

FOUR CORNERS REGIONAL COMMISSION

- 38.001 Four Corners Regional Economic Development.
 38.002 Four Corners Technical and Planning Assistance.
 38.003 Four Corners Supplements to Federal Grants-in-Aid (Basic grants only).

NATIONAL SCIENCE FOUNDATION

- 47.036 Intergovernmental Science.

NEW ENGLAND REGIONAL COMMISSION

- 48.001 New England Regional Economic Development.
 48.002 New England Technical and Planning Assistance.
 48.003 New England Supplements to Federal Grants-in-Aid (Basic grants only).

COMMUNITY SERVICES ADMINISTRATION

- 49.002 Community Action.
 49.010 Older Persons Opportunities and Services.
 49.011 Community Economic Development.

OZARKS REGIONAL COMMISSION

- 52.001 Ozarks Regional Economic Development.
 52.002 Ozarks Technical and Planning Assistance.
 52.003 Ozarks Supplements to Federal Grants-in-Aid (Basic grants only).

UPPER GREAT LAKES REGIONAL COMMISSION

- 63.001 Upper Great Lakes Regional Economic Development.
- 63.002 Upper Great Lakes Technical and Planning Assistance.
- 63.003 Upper Great Lakes Supplements to Federal Grants-in-Aid (Basic grants only).

VETERANS ADMINISTRATION

- 64.005 Grants to States for Construction of State Nursing Home Care Facilities.
- 64.017 Grants to States for Remodeling of State Home Hospital/Domiciliary Facilities.
- 64.020 Assistance in the Establishment of New State Medical Schools.
- 64.021 Grants to Affiliated Medical Schools-Assistance to Health Manpower Training Institutes.

- 64.114 Veterans Housing-Guaranteed and Insured Loans (GI Home Loans).

WATER RESOURCES COUNCIL

- 65.001 Water Resources Planning.

ENVIRONMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Grants.
- 66.005 Air Pollution Survey and Demonstration Grants.
- 66.027 Solid Waste Demonstration and Planning Grants.
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- 72.001 Foster Grandparents.
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OLD WEST REGIONAL COMMISSION

- 75.001 Old West Regional Economic Development.
- 75.002 Old West Technical and Planning Assistance.

PACIFIC NORTHWEST REGIONAL COMMISSION

- 76.001 Pacific Northwest Economic Development.
- 76.002 Pacific Northwest Technical and Planning Assistance.

[PR Doc.75-27198 Filed 10-9-75;8:45 am]

FRIDAY, OCTOBER 10, 1975



PART V:

**ENVIRONMENTAL
PROTECTION
AGENCY**



**MARINE SANITATION
SERVICE STANDARD**

Proposed Standards of Performance

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 140]

[FRL 438-1]

MARINE SANITATION DEVICE STANDARD

Proposed Standards of Performance

The Administrator of the Environmental Protection Agency (EPA) on June 23, 1972, promulgated Federal standards of performance for marine sanitation devices (40 CFR 140) as required by section 13 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1163. The standard provided for no overboard discharge of sewage into the navigable waters of the United States. An incentive provision was included in the regulation, stating that boat owners who install on existing vessels a device providing certain specified primary treatment and disinfection, prior to the effective date of the standards, would be considered to be in compliance with the standards for a period of time after the effective date. Permitting the installation of primary devices was done to obtain the maximum amount of immediate pollution abatement during the period required for the widespread installation of pump-out facilities.

In October, 1972 the Federal Water Pollution Control Act (the Act) was extensively amended. Section 13 was carried over into section 312 of the Act as amended, with no substantial changes other than revisions to section 312(f). Revised language in section 312(f) of the Act addressed actions that the Administrator must consider in regulating the complete prohibition of vessel discharge in certain specified waters in response to applications for such prohibition by States. Section 312(f)(2) provided for early preemption of existing State laws when a vessel becomes in compliance with Federal standards and regulations. Under this section, a vessel equipped with a marine sanitation device after January 30, 1975, the date on which the initial standards and regulations were promulgated (see the following paragraph), which met the standards created by the Act and the regulations thereunder, would be in compliance with Federal law. This would include vessels meeting the incentive provision discussed above. Section 312(f)(3) provided that if a State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection than the Federal standards provide, the State may completely prohibit the discharge of vessel sewage, if the Administrator determines that adequate facilities for pump-out and treatment of vessel sewage from all vessels are reasonably available. Section 312(f)(4) provides that the Administrator may, by regulation, prohibit vessel discharge in order to protect and enhance the quality of specified waters.

On January 30, 1975, the U.S. Coast

Guard, which has the statutory responsibility to implement the EPA vessel sewage standard, promulgated certification procedures and design and construction requirements for marine sanitation devices (40 FR 4622, January 30, 1975). The Coast Guard regulation contained a waiver for new vessels, which permitted certified flow-through devices to be installed during the first year following the promulgation of the regulation.

In June 1974 we agreed to reconsider the 1972 EPA standard because of the concern expressed by many over the general applicability of the "holding tank" concept. Many comments have been received both protesting and supporting a "retention-only" standard.

Since June 1974 we have consulted extensively with the Coast Guard, boating association representatives, State water pollution control administrators and other members of the public concerning this problem. It became apparent that there were three alternative courses of action which could be taken. First, Coast Guard-certified flow-through devices generally could be allowed for vessels equipped with marine sanitation devices. The contention was made by the Coast Guard and by many boating associations that these devices provided sufficient environmental protection and are more workable than retention devices, which require extensive availability of adequate pump-out facilities. Second, the present Federal no-discharge standard could be retained, and a Coast Guard-certified holding tank be required for all vessels equipped with marine sanitation devices. Most State water pollution control administrators consulted believed that flow-through devices do not provide adequate environmental protection, since it is difficult to prevent the device from being used in sensitive areas requiring special protection and it is difficult to ensure that the devices are properly maintained and operated. Third, a combination of the first two alternatives could be chosen. This combination would provide for a no-discharge of vessel sewage wastes in land-locked freshwater lakes, freshwater reservoirs, or other freshwater impoundments, or in rivers not capable of navigation by an interstate vessel on which a marine toilet facility has been installed. In all other navigable waters, U.S. Coast Guard-certified flow-through treatment devices could be installed and operated on vessels. After thoroughly analyzing the complexities of the vessel sewage problem, the third alternative, above, has been selected to modify the existing standard (40 C.F.R. 140.3).

Generally, section 312(b)(1) of the Act requires that standards of performance be promulgated to prevent the discharge from vessels of "untreated or inadequately treated" sewage into or upon the navigable waters. The determination of adequate treatment for the discharge of vessel sewage must be influenced by the characteristics of the water body involved. Adequate treatment for one body of water may well be inadequate for another water body. The Agency's

approach has been consistent in its focus on physical characteristics of the water body such as water flow and flushing potential. We have found that land-locked water bodies, whether they are freshwater lakes, freshwater reservoirs or other freshwater impoundments, present the least favorable conditions for effective turnover of water content. The water detention periods within such water bodies vary primarily according to the volume of the water body, as well as the volumes of influent and effluent and the degree of evapotranspiration. Rivers have no detention time with the exception of confined areas such as some harbors or ports. In considering the detrimental effects that marine sanitation device effluents can have on the various types of water bodies, we have concluded that the most vulnerable is that type which has, as a whole, relatively long detention periods.

It is noted that section 312(f) of the Act provides mechanisms whereby individual States can obtain no-discharge regulations for specified water bodies. Under section 312(f)(3) any water within a State which is not included in the general no-discharge standard may be made no-discharge water by the State upon its showing that adequate pump-out and treatment facilities are reasonably available for all vessels plying such waters. Under section 312(f)(4) certain sensitive waters, such as marinas, drinking water intakes, areas of intensive primary water contact recreation, and shellfish beds, may be made no-discharge waters by EPA regulation if it is determined that the protection and enhancement of the quality of such waters require such protection. Petitions under this section have been received from several States and the Agency has taken action on such petitions following publication of a notice of their receipt and an appropriate period for public comment.

This regulation is proposed in order to solicit public comments and in order to promote research to advance the technologic state of the art. This proposed regulation provides for a more stringent quality for the effluent of marine sanitation devices in 1980, when it is expected that research will provide the treatment capability to achieve such a standard. There will be a comment period of 45 days, during which time the public is urged to carefully review the regulation modifying the marine sanitation device standard and furnish comments and recommend revisions, which will be reviewed and the regulation modified if necessary.

On or before November 24, 1975, comments addressing this proposed regulation should be submitted in writing to the Deputy Assistant Administrator for Water Planning and Standards, Office of Water and Hazardous Materials (WH-551), EPA, 401 M Street, SW., Washington, D.C. 20460.

Title 40, Part 140 is revised to read as follows:

PART 140—MARINE SANITATION DEVICE STANDARD

- Sec.
140.1 Definitions.
140.2 Scope of standard.
140.3 Standard.
140.4 Complete prohibition.
140.5 Analytical procedures.

AUTHORITY: The provisions of this Part 140 are issued under sec. 312, as added October 18, 1972, Pub. L. 92-500 § 2, 86 Stat. 871. Interpret or apply sec. 312(b)(1), 33 U.S.C. 1322(b)(1).

PART 140—MARINE SANITATION DEVICE STANDARD

§ 140.1 Definitions.

For the purpose of these standards the following definitions shall apply:

(a) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(b) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(c) "Marine sanitation device" includes any equipment for installation on-board a vessel and which is designed to receive, retain, treat, or discharge sewage and any process to treat such sewage;

(d) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on waters of the United States;

(e) "New vessel" refers to any vessel on which construction was initiated on or after January 30, 1975;

(f) "Existing vessel" refers to any vessel on which construction was initiated before January 30, 1975;

(g) "Fecal coliform bacteria" are those organisms associated with the intestine of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing disease in man.

§ 140.2 Scope of standard.

The standard adopted herein applies only to vessels on which a marine toilet facility has been installed. The standard does not require the installation of a toilet facility on any vessel that is not so equipped. The standard applies to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

§ 140.3 Standard.

(a) (1) In freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard (see 33 CFR 159, published in 40 FR 4622, January 30, 1975), installed on all vessels shall be designed and operated to prevent the

overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. This shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been properly secured so as to prevent their use.

(2) In all other navigable waters, Coast Guard-certified marine sanitation devices installed on all vessels shall be designed and operated either to retain, dispose of, or discharge sewage. If the device has a discharge, subject to paragraph (d) of this section, the effluent shall not have a fecal coliform bacterial count of greater than 1,000 per 100 milliliters nor visible floating solids. Waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and inter-connected waterways, freshwater lakes and impoundments accessible through locks, and other flowing waters that are navigable inter-state by vessels subject to this regulation.

(b) This standard shall become effective on January 30, 1977 for new vessels and on January 30, 1980 for existing vessels (or, in the case of vessels owned and operated by the Department of Defense, for new vessels, two years and for existing vessels, five years after promulgation of implementing regulations by the Secretary of Defense under section 312(d) of the Act).

(c) Any vessel which is equipped as of the date of promulgation of this regulation with a Coast Guard-certified flow-through marine sanitation device meeting the requirements of paragraph (a) (ii) of this section, shall not be required to comply with the provisions designed to prevent the overboard discharge of sewage, treated or untreated, in paragraph (a) (1) of this section, for the operable life of that device.

(d) After January 31, 1980, subject to paragraphs (e) and (f) of this section, marine sanitation devices on all vessels on waters that are not subject to a prohibition of the overboard discharge of sewage, treated or untreated, as specified in paragraph (a) of this section shall be designed and operated to either retain, dispose of, or discharge sewage, and shall be certified by the U.S. Coast Guard. If the device has a discharge, the effluent shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 mg/l.

(e) Any existing vessel on waters not subject to a prohibition of the overboard discharge of sewage as in paragraph (a) of this section, and which is equipped with a certified device on or before January 30, 1978, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(f) Any new vessel on waters not subject to a prohibition of the overboard discharge of sewage as in paragraph (a) (i) of this section, and on which construction is initiated before January 31, 1980, which is equipped with a marine

sanitation device certified as in paragraph (a) (ii) of this section shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(g) The degrees of treatment described in paragraphs (a) and (d) of this section are "appropriate standards" for purposes of Coast Guard and Department of Defense certification pursuant to section 312(g) (2) of the Act.

(h) This section is not to be construed to accelerate the effective date of the standards and regulations promulgated under section 312 as such date affects the sales regulations for marine sanitation devices specified in section 312(g) (1): January 30, 1977, and January 30, 1980, for new and existing vessels, respectively.

§ 140.4 Complete prohibition.

(a) A State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into some or all of the waters within such State by making a written application to the Administrator, Environmental Protection Agency and receiving the Administrator's determination pursuant to section 312(f) (3) of the Act. Upon receipt of an application under section 312(f) (3) of the Act, the Administrator will determine within 90 days whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels plying such waters are reasonably available. Applications made by States pursuant to section 312(f) (3) of the Act shall include: (1) a statement that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard; (2) a map showing the location of pump-out facilities; (3) a description of the location of pump-out facilities within waters designated for no discharge; (4) the general schedule of operating hours of the pump-out facilities; (5) the draught requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility; (6) information that indicates that treatment of wastes from such pump-out facilities is in conformance with Federal law; and (7) information on vessel population and vessel usage.

(b) A State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f) (4) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage (whether treated or not) into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularity the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the

PROPOSED RULES

State's application and any other information available to him, the Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions

thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application.

§ 140.5 Analytical procedures.

In determining the composition and quality of effluent discharge from marine sanitation devices the procedures contained in the current "Standard Methods for the Examination of Water and Wastewater," or subsequent revisions or amendments thereto, shall be employed.

Dated: October 6, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc. 75-27374 Filed 10-9-75; 8:45 am]

federal register

FRIDAY, OCTOBER 10, 1975



PART VI:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Title 19—Customs Duties
CHAPTER II—INTERNATIONAL TRADE
COMMISSION
PART 201—RULES OF GENERAL
APPLICATION

Subpart D—Safeguarding Individual Privacy

In accordance with the publication requirements of 5 U.S.C. 552a(f), the United States International Trade Commission promulgated regulations to implement the Privacy Act of 1974, 5 U.S.C. 552a, by issuing a "Notice of Proposed Rule Making" on August 22, 1975, which was subsequently published on August 29, 1975, at 40 FR 40050, 40051. Since the 30-day comment period for such regulations expired on September 22, 1975, and since neither were any written comments from interested parties received, nor were any changes in the proposed regulations made, the Commission hereby adopts the regulations as proposed and published on August 29, 1975, at 40 FR 40050, 40051 as its final regulations governing matters arising under 5 U.S.C. 552a, and amends Title 19, Part 201, of the Code of Federal Regulations by adding the new Subpart D thereto as set forth below:

Subpart D—Safeguarding Individual Privacy Pursuant to 5 U.S.C. 552a

- Sec.
 201.22 Purpose and scope.
 201.23 Definitions.
 201.24 Procedures for requests pertaining to individual records in a records system.
 201.25 Times, places, and requirements for identification of individuals making requests.
 201.26 Disclosure of requested information to individuals.
 201.27 Special procedures: Medical records.
 201.28 Request for correction or amendment of record.
 201.29 Commission review of request for correction or amendment to record.
 201.29 Commission review of request for correction or amendment to record.
 201.30 Commission disclosure of record to person other than the individual to whom it pertains.
 201.31 Fees.
 201.32 Specific exemptions.

AUTHORITY: 5 U.S.C. 552a.

Subpart D—Safeguarding Individual Privacy Pursuant to 5 U.S.C. 552a

§ 201.22 Purpose and scope.

The purpose of these regulations is to provide certain safeguards for an individual against an invasion of personal privacy by the United States International Trade Commission. These regulations are promulgated pursuant to the requirements for all Federal Agencies contained in 5 U.S.C. 552a(f).

§ 201.23 Definitions.

For the purpose of these regulations,

- (a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;
 (b) The term "maintain" includes maintain, collect, use, or disseminate;
 (c) The term "record" means any item, collection, or grouping of information about an individual that is maintained

by the Commission, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(d) The term "system of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying particular assigned to the individual;

(e) The term "Director of Personnel" refers to the Director, Office of Personnel and Management Systems, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, or his or her designee.

§ 201.24 Procedures for requests pertaining to individual records in a records system.

(a) A request by an individual to gain access to his or her record or to any information pertaining to him or her which is contained in the systems of records maintained by the Commission shall be addressed to the Director of Personnel, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and shall indicate clearly both on the envelope and in the letter that it is a Privacy Act request.

(b) In order to facilitate location of requested records, the request of the individual shall name the systems of records maintained by the Commission which he or she believes contain records pertaining to him or her, or shall reasonably describe the requested record.

(c) The Director of Personnel shall ascertain whether the systems of records maintained by the Commission contain records pertaining to the individual. Thereupon the Director of Personnel shall: (1) notify the individual whether or not the requested record is contained in any system of records maintained by the Commission; and (2) notify the individual of the procedures as prescribed in §§ 201.25 and 201.26 of these regulations by which the individual may gain access to those records maintained by the Commission which pertain to him or her.

§ 201.25 Times, places, and requirements for identification of individuals making requests.

(a) It shall be the responsibility of the individual requester to arrange an appointment with the Director of Personnel for the purpose of inspecting individual records. The time of inspection shall be during the regular office hours of the Commission, 8:45 A.M. to 5:15 P.M., Monday through Friday. The time arranged should be mutually convenient to the requester and to the Commission.

(b) The place where an individual may gain access to records maintained by the Commission which pertain to him or her shall be at the United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. The Director of Personnel shall inform the individual requester of the

specific room wherein inspection will take place.

(c) An individual who requests to gain access to those records maintained by the Commission which pertain to him or her shall not be granted access to those records without first presenting adequate identification to the Director of Personnel. Adequate identification includes, but is not limited to, a government identification card, a driver's license, medicare card, a birth certificate, or a passport.

(d) Where the nature of the record or system of records permits and where the individual cannot view the records pertaining to him in person, the Director of Personnel may dispense with the requisites of §§ 201.25(a) and 201.25(b) of these regulations and provide the individual with a copy of the record by certified mail.

§ 201.26 Disclosure of requested information to individuals.

(a) Assuming that the individual requester has met the adequate identification criterion of § 201.25(c) of these regulations, the Director of Personnel shall permit the individual to review the pertinent records and to have a copy made of all or any portion of them. Where specific exemptions within the purview of § 201.32(c) would render such records or portions thereof incomprehensible, the Director of Personnel shall furnish an abstract in addition to an actual copy.

(b) The individual has the right to have a person of his or her own choosing accompany him or her to review his or her records. The Director of Personnel shall permit a person of the individual requester's choosing to accompany the individual during inspection.

(c) When the individual requests the Director of Personnel to permit a person of the individual's choosing to accompany him or her during the inspection of his or her records, the Director of Personnel shall require the individual requester to furnish a written statement authorizing discussion of the records in the accompanying person's presence.

(d) The Director of Personnel shall take all necessary steps to insure that individual privacy is protected while the individual requester is inspecting his or her records or while those records are being discussed. Only the Director of Personnel shall accompany the individual as representative of the Commission during the inspection of the individual's records. The Director of Personnel shall be authorized to discuss the pertinent records with the individual.

§ 201.27 Special procedures: Medical records.

(a) While an individual has an unqualified right of access to the records in systems of records maintained by the Commission which pertain to him or her, medical and psychological records merit special treatment because of the possibility that disclosure will have an adverse physical or psychological effect upon the requesting individual. Accordingly, therefore, in those instances where

an individual is requesting the medical and/or psychological records which pertain to him or her, he or she shall, in his or her Privacy Act request to the Director of Personnel as called for in § 201.24(a) of these regulations, specify a physician to whom the medical and/or psychological records may be released.

(b) It shall be the responsibility of the individual requesting medical or psychological records to specify a physician to whom the requested records may be released. If an individual refuses to name a physician and insists on inspecting his or her medical or psychological records in the absence of a doctor's discussion and advice, the individual shall so state in his Privacy Act request to the Director of Personnel as called for in § 201.24(a) and the Director of Personnel shall provide access to or transmit such records directly to the individual.

§ 201.28 Request for correction or amendment of record.

(a) If, upon viewing his or her records, the individual disagrees with a portion thereof or feels sections thereof to be erroneous, the individual may request amendment(s) of the records pertaining to him or her. The individual should request such an amendment in writing. The request for amendment of records shall be addressed to the Director of Personnel, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and shall clearly indicate both on the envelope and in the letter that it is a Privacy Act request for amendment of records.

(b) Not later than 10 days (Saturdays, Sundays and Federal legal public holidays excluded) after the date of receipt of a Privacy Act request for amendment of records, the Director of Personnel shall acknowledge such receipt in writing. Thereupon the Director of Personnel shall promptly either: (1) Make any correction of any portion of the record which the individual believes is not accurate, relevant, timely, or complete; or (2) inform the individual of the Director of Personnel's refusal to amend the record in accordance with the individual's request and give the reasons for the refusal. In cases where the Director of Personnel has refused to amend in accordance with an individual's request, he or she also shall advise the individual of the procedures under § 201.29 of these regulations for the individual to request a review of that refusal by the full Commission or by an officer designated by the Commission.

§ 201.29 Commission review of request for correction or amendment to record.

(a) The individual who disagrees with the refusal of the Director of Personnel to amend the record may request a review of the refusal by the Commission. All requests for review of refusals to amend records should be addressed to the Chairman, United States Interna-

tional Trade Commission, 701 E Street NW., Washington, D.C. 20436, and shall clearly indicate both on the envelope and in the letter that it is a Privacy Act review request.

(b) Not later than 30 days (Saturdays, Sundays, and Federal legal public holidays excluded) from the date on which the Commission receives a request for review of the Director of Personnel's refusal to amend the record, the Commission shall complete such a review and make a final determination thereof unless, for good cause shown, the Commission extends the 30-day period.

(c) After the individual's request to amend his or her records has been reviewed by the Commission, if the Commission agrees with the Director of Personnel's refusal to amend the record in accordance with the individual's request, the Commission shall: (1) Notify the individual in writing of the Commission's decision; (2) advise the individual that he or she has the right to file a concise statement of disagreement with the Commission which sets forth his or her reasons for disagreement with the refusal of the Commission to amend the records; and (3) notify the individual of his or her legal right to judicial review of the Commission's final determination.

(d) In any disclosure, containing information about which the individual has filed a statement of disagreement, the Director of Personnel shall clearly note any portion of the record which is disputed and shall provide copies of the statement and, if the Commission deems it appropriate, copies of a concise statement of the reasons of the Commission for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed.

§ 201.30 Commission disclosure of record to person other than the individual to whom it pertains.

(a) Except as is permitted under 5 U.S.C. 552a(b)(1)-(b)(11), it is the policy of the Commission not to disclose any record which is contained in any system of records maintained by the Commission to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

(b) Except for disclosures to those officers and employees of the Commission who have a need for the record in the performance of their duties and any disclosure required by 5 U.S.C. 552, the Director of Personnel shall keep an accurate accounting of: (1) The date, nature, and purpose of each disclosure of a record to any person or to another agency under subsection (a) of this section; and (2) the name or address of the person or agency to whom the disclosure is made.

(c) The Director of Personnel shall retain the accounting required by § 201.30(b) for at least five years or the

life of the record, whichever is longer, after such disclosure.

(d) Except for disclosures made to other agencies for civil or criminal law enforcement purposes pursuant to 5 U.S.C. 552a(b)(7), the Director of Personnel shall make any accounting made under § 201.30(b) available to the individual named in the record at the individual's request.

(e) Where the Commission has provided any person or other agency with an individual record and such accounting as required by § 201.30(b) has been made, the Director of Personnel shall inform all such persons or other agencies of any correction, amendment, or notation of dispute concerning said record.

§ 201.31 Fees.

(a) The Commission shall not charge any fee for the cost of searching for and reviewing an individual's records.

(b) Reproduction, duplication or copying of records by the Commission shall be at the rate of 10 cents per page. There shall be no charge, however, when the total amount does not exceed 50 cents.

§ 201.32 Specific exemptions.

(a) A system of records or a record which is specifically required by Executive order to be kept secret in the interest of national defense or foreign policy, pursuant to 5 U.S.C. 552(b)(1), shall be exempt from this subpart and from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of section 3 of the Privacy Act.

(b) Systems of records required by statute to be maintained and used solely as statistical records shall be exempt from this subpart and shall be exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of section 3 of the Privacy Act.

(c) Personnel investigations records in the custody of the Security Officer of the Commission, which are compiled solely for the purpose of determining suitability, eligibility, or qualifications for Commission employment, or access to classified information shall be exempt from this subpart and from subsections (c)(3), (d), (e)(4)(G), (H), and (I) and (f) of section 3 of the Privacy Act, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to government investigators under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

Effective date: These regulations shall be effective on September 27, 1975.

By order of the Commission.

Issued: September 30, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc. 75-27287 Filed 10-7-75; 11:26 am]

NOTICES

INTERNATIONAL TRADE
COMMISSION

SAFEGUARDING INDIVIDUAL PRIVACY

Adoption of Proposed Systems Notices

Pursuant to 5 U.S.C. 552a (e) (4) and (e) (11), the United States International Trade Commission issued "Notices of Systems of Records" incorporating "routine uses" on August 22, 1975, which were subsequently published on September 9, 1975, at 40 FR 41981-41983. Since the 30-day period for public comment concerning the "routine use" sections of such notices expired on September 22, 1975, and since neither were any written comments from interested parties received, nor were any changes in the "routine use" sections of such notices made, the Commission adopts the systems of records notices with the following change: The Office of Personnel and Management Systems shall be added to the list of locations for Time and Attendance Records.

Effective date: These systems of records shall be effective on September 27, 1975.

Issued: September 30, 1975.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-27286 Filed 10-7-75;11:26 am]

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE

PART 306—GENERAL REGULATIONS GOVERNING U.S. SECURITIES

PART 341—REGULATIONS GOVERNING UNITED STATES RETIREMENT PLAN BONDS

PART 346—REGULATIONS GOVERNING UNITED STATES INDIVIDUALS RETIREMENT BONDS

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

Notice of Changes To Be Made, Pursuant to Privacy Act, on Forms Used by Bureau of the Public Debt

Notice is hereby given, pursuant to Sections 3(e) and 7(b) of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a), that forms provided for public use by the Bureau of the Public Debt, Department of the Treasury, are being revised to furnish information in conformity with said Act.

Specifically, the revised textual material on all forms that require an individual to furnish a social security number and/or other information in connection with a Public Debt transaction will inform that individual that the furnishing of such number and/or information is required under applicable regulations; that the number will be used to maintain for each registered security an accurate ownership record thereof; that the information will be used to process a transaction affecting the right, title and interest to a United States security; and that failure to furnish any of the required data may result in an inability to complete transaction for which the form is being used.

The applicable regulations are found in Department of the Treasury Circular No. 530 (31 CFR, Part 315), for savings bonds and savings notes; Department of the Treasury Circulars, Public Debt Series No. 1-63 (31 CFR, Part 341), for U.S. Retirement Plan Bonds, and No. 1-75 (31 CFR, Part 346), for U.S. In-

dividual Retirement Bonds; and Department of the Treasury Circular No. 300 (31 CFR, Part 306), for other United States securities.

In consideration of the volume and variety of forms already outstanding and distributed, and the time and cost that would be expended in attempting to secure their retrieval and replacement, revision of the forms to provide the above information is being effected as new stocks are printed. Meanwhile, the Federal Reserve Banks, acting as fiscal agents of the United States, and the issuing and paying agents for savings bonds, are advised to apprise individuals using forms of the Bureau of the Public Debt about the above information, and, in addition, to furnish, as available, a written copy of this notice.

Dated: October 7, 1975.

H. J. HINTGEN,
Commissioner of the Public Debt.

[FR Doc. 75-27337 Filed 10-7-75; 3:06 pm]

NOTICES

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

On page 38095 of the FEDERAL REGISTER of August 26, 1975, there was published a notice of proposed adoption by the Veterans Administration of a description of the existence and character of its system of records drafted in compliance with section 552a(e) (4), title 5, United States Code, as enacted by section 3 of the Privacy Act of 1974. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed description.

No written comments have been received. The proposed description is adopted without change.

Effective date. This description is effective September 27, 1975.

Approved: October 6, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-27377 Filed 10-8-75;9:43 am]

Department of Labor
Office of the Secretary
Supplemental Notice of Systems of Records

Notice is hereby given that the Department of Labor, in accordance with 5 U.S.C. 552a(e)(4) and (11) of the Privacy Act of 1974 (Pub. L. 93-549), proposes to adopt the systems of records set forth below. These systems of records supplement those systems published in the Federal Register on September 8, 1975 (40 FR 41739). The same principles used in selecting the previously published systems of records were used in selecting the systems listed below. In addition, the prefatory statement accompanying the initial publication of systems of records, setting forth certain routine uses of all systems of records unless otherwise indicated to the contrary, applies to the systems contained herein and is hereby incorporated by reference. It should be noted that the system of records published at 40 FR 41754 designated as DOL/sol-12 pertaining to Veterans' Reemployment Rights Complaints is being deleted and replaced by DOL/LMSA-7. These records, although utilized by the Office of the Solicitor, are in fact under the control of the Labor-Management Administration. It is, therefore, more appropriate for inquiries to be addressed to the Administration.

The Department invites public comment on all parts of this notice. Interested persons are invited to submit written data, views and arguments to Seth Zinman, Associate Solicitor of Labor, Division of Legislation and Legal Counsel, Room N2428, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, on or before October 28, 1975. Written material received from the public through said date will be considered by the Department before taking action on a final notice. Submissions will be available for public inspection at the above address during normal business hours.

Signed in Washington, D.C. this 1st day of October, 1975.

John T. Dunlop,
 Secretary of Labor.

DOL/ESA-20

System name: Employment Standards Water Pollution/Water Safety Anti Discrimination Files

DOL/LMSAI

System name: LMSE index cards Division of Enforcement.

DOL/LMSA-2

System name: LMSA Case Opening and Closing Reports.

DOL/LMSA-3

System name: OVRP Correspondence files.

DOL/LMSA-4

System name: OEBS-Division of Enforcement; Case files.

DOL/LMSA-5

System name: OEBS-Executive Secretary/Advisory Council on Employee Welfare and Pension Benefit Plans.

DOL/LMSA-6

System name: Labor-Management Relations—Inquires from congressmen and private citizens.

DOL/LMSA-7

System name: Veteran's Reemployment Rights Complaint File

DOL/OASA-7

System name: Health Unit Employee Medical Records

DOL/SOL-13

System name: Federal Tort Claims Act (FTCA)

DOL/SOL-14

System name: DOL Accident reports

DOL/SOL-15

System name: Comprehensive Employment and Training Act, (paragraph 416 (b)) (CETA)

DOL/SOL-16

System name: Military Personnel and Civilian Employees Claims Act

DOL/ESA-20

System name: Employment Standards Water Pollution/Water Safety Anti Discrimination Files

System location: Employment Standards Administration, Wage Hour Division, Room S3502, New Department of Labor Building, Washington, D.C. 20210.

Categories of individuals covered by the system: Individuals filing complaints against employers on account of discharge or other acts if discrimination by reason of exercise of protected rights under the Federal Water Pollution Prevention and Control Act and the Safe Drinking Water Act of 1974.

Categories of records in the system: Personal, financial, investigative and legal reports.

Authority for maintenance of the system: 33 U.S.C. 1367; 42 U.S.C. 300 (j) - 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Any party in interest and other Federal and/or State agencies.

Storage: Manual file.

Retrievability: By name.

Safeguards: The System is housed in the Wage Hour Division and only authorized persons are allowed access to the data.

Retention and disposal: Undecided (program still being developed).

System manager(s) and address: Wage-Hour Administrator, Employment Standards Administration, New Department of Labor Building, Room S3502, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Individual, Correspondence, Investigative records, Employment records, Payroll records, any other documents or reports pertaining to an individual's work history, education, or hiring practices of the employer.

DOL/LMSAI

System name: LMSE index cards Division of Enforcement.

System location: U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N5416, Washington, D.C. 20216, all Area Offices.

Categories of individuals covered by the system: Union Officers, individuals investigated, and individuals interviewed.

Categories of records in the system: Primarily investigative material relating to investigations under the LMRDA—1959 and EO 11491.

Authority for maintenance of the system: LMRDA - 1959 and EO 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is disclosed: to other Federal, state and local law enforcement agencies; to various congressional committees; in the President's Anti-Organized Crime Program including but not limited to reports of investigation, reports of interview and memoranda relating to investigations and intelligence information.

Storage: Manual file.

Retrievability: By name of individual.

Safeguards: Cards are in rolladex machine which is locked at night. In addition, cards are number-coded so that only an authorized employee can find a desired file.

Retention and disposal: Cards are retained indefinitely; files are kept for three years, at which time they are sent to Federal Records Center for two years, after which except for those records with historical value, they are destroyed.

System manager(s) and address: Acting Director, LMSE, U.S. Department of Labor, 200 Constitution Avenue, Room N5408, Washington, D.C. 20216.

Notification procedure: Mail all inquiries to System Manager at above address.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Information compiled from interviews conducted during investigations, written complaints, and written reports received from other agencies.

DOL/LMSA-2

System name: LMSA Case Opening and Closing Reports.

System location: U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N5469, Washington, D.C. 20216.

Categories of individuals covered by the system: Veterans of U.S. military service.

Categories of records in the system: Nature of Veterans' Complaints.

Authority for maintenance of the system: Chapter 43 of Title 38, U.S. Code, and predecessor statutes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Here; statistics are compiled for budget purposes.

Storage: Manual files.

Retrievability: By name and geographical location.

Safeguards: Any request for disclosure is screened by Office Director.

Retention and disposal: Records are maintained 3 years in National Office and then transferred to Federal Record Center where they are retained for 7 years and then destroyed.

System manager(s) and address: Acting Director, OVRP, 200 Constitution Avenue, N.W., Room N5469, NDOL, Washington, D.C. 20216.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: LMSA field offices.

DOL/LMSA-3

System name: OVRP Correspondence files.

System location: U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N5469, Washington, D.C. 20216.

Categories of individuals covered by the system: General public, veterans of military service, and Congressmen.

Categories of records in the system: General inquiries and inquiries involving pending cases.

Authority for maintenance of the system: Chapter 43 of Title 38, U.S. Code, and predecessor statutes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to other Agencies for appropriate action.

Storage: Manual files.

Retrievability: By name and geographical location.

Safeguards: Any request for disclosure is screened by Office Director.

Retention and disposal: Records are maintained for 3 years in National Office and then transferred to Federal record Center where they are retained for 7 years and then destroyed.

System manager(s) and address: Acting Director, OVRP, 200 Constitution Avenue, N.W., Room N5469, Washington, D.C. 20216.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Correspondent.

DOL/LMSA-4

System name: OEBS-Division of Enforcement; Case files.

System location: U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N4471, Washington, D.C. 20216; and branch offices.

Categories of individuals covered by the system: Plan administrators, trustees, and those individuals providing advice or services to plan.

Categories of records in the system: Association with the plan, services performed, interviews, conducted by LMSA; OEBS investigations.

Authority for maintenance of the system: Part V, Section 504, Employee Retirement Income Security Act of 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information in plan examinations or investigations; information is referred to Department of Justice, Internal Revenue Service, and

other agencies as indicated in prefatory remarks (40 FR 41739; September 8, 1975).

Storage: 3x5 index cards.

Retrievability: Retrieved by name.

Safeguards: Maintained in Branch Office of Enforcement Division, accessible to enforcement personnel only.

Retention and disposal: Retention and Disposal: Permanent records.

System manager(s) and address: Administrator, Pension and Welfare Benefit Plans, Department of Labor, LMSA; 200 Constitution Avenue, N.W., Washington, D.C.

Notification procedure: Request should be submitted to above address; it should include the name, address and association with benefit plan, identifying benefit plan by name and address and types of service rendered to the plan.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Sources are cases opened at the National Office or at any of the 24 area offices of LMSA.

DOL/LMSA-5

System name: OEBS-Executive Secretary/Advisory Council on Employee Welfare and Pension Benefit Plans.

System location: U.S. Department of Labor, 200 Constitution Avenue, Room N-4700, Washington, D.C. 20216.

Categories of individuals covered by the system: Private persons who are members or have been recommended for appointment to the Advisory Council on Employee Welfare and Pension Benefit Plans.

Categories of records in the system: Biographical and personal data; background files on members and proposed members.

Authority for maintenance of the system: Section 512, Title I, Employee Retirement Income Security Act of 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Material used for evaluation, selection and clearance of candidates for membership on the Advisory Council within the Department of Labor and to a limited extent, by other agencies within the Executive Branch of the U.S. Government.

Storage: Manual.

Retrievability: Filed alphabetically by names; manually retrievable.

Safeguards: Maintained by Executive Secretary of the Advisory Council; available or accessible only to limited Executive Staff members of OEBS, LMSA, and O/SECY.

Retention and disposal: Semi-permanent records.

System manager(s) and address: Administrator, Pension and Welfare Benefit Plans; Department of Labor; 200 Constitution Avenue, N.W., Washington, D.C. 20216.

Notification procedure: Request should be submitted to above address.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Primarily from the individual concerned, although in some instances from groups or entities making recommendations for Council membership.

DOL/LMSA-6

System name: Labor-Management Relations - Inquires from congressmen and private citizens.

System location: U.S. Department of Labor, Room S2307, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Categories of individuals covered by the system: Congressmen, Senators, and general public.

Categories of records in the system: General inquiries regarding pension benefits, unfair labor practice complaints, violations of standards of conduct for labor organizations, employee protection under UMTA, strike force activities, veterans reemployment rights, and policy advice and research on labor-management relations problems.

Authority for maintenance of the system: Employee Retirement Income Security Act of 1974—Labor Management Reporting & Disclosure Act of 1959; E.O. 11491, as amended; Vietnam Era Veterans Readjustment Assistance Act of 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Storage: Records are maintained in File Cabinets.

Retrievability: Indexed alphabetically by name.

Safeguards: Access limited to Assistant Secretary's staff.

Retention and disposal: Records are maintained for 3 years and then sent to Archives.

System manager(s) and address: Assistant Secretary for Labor-Management Relations, Room S2307, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: Same as above.

Record source categories: Congressional and Public correspondence.

DOL/LMSA-7

System name: Veteran's Reemployment Rights Complaint File

System location: LMSA Area offices, LMSA Regional offices, OVRN National offices, Regional Solicitors' offices, National Solicitor's office.

Categories of individuals covered by the system: Veteran of or rejectees from military service or reservists/National Guardsmen.

Categories of records in the system: Military service, medical employment.

Authority for maintenance of the system: 38 U.S.C. 2021 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Sent to Department of Justice, United States Attorneys.

Storage: Manual

Retrievability: Name

Safeguards: Locked Room and locked Cabinets

Retention and disposal: Continuous

System manager(s) and address: Associate Solicitor for General Legal Services, Room N2458, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Regional Solicitor's Office.

Notification procedure: As above

Record access procedures: As above

Contesting record procedures: As above

Record source categories: Veterans, employees, Department of Defense, Veterans Administration, physicians, Yellow employees, union officers.

DOL/OASA-7

System name: Health Unit Employee Medical Records

System location: U.S. Department of Labor, Room S3214, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Categories of individuals covered by the system: DOL employees receiving medical treatment.

Categories of records in the system: Medical information re: illness, injury, and examinations.

Authority for maintenance of the system: Public Law 658-79, Bureau of Budget Circular No. A-72.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Storage: Manual files.

Retrievability: By name.

Safeguards: Records are maintained in a locked file cabinet with access limited to authorized staff employees.

Retention and disposal: Records are retained for five years and retired.

System manager(s) and address: Division of Health Services, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room C5321, Washington, D.C. 20210.

Notification procedure: Health Unit - Division of Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S3214, Washington, D.C. 20210.

Record access procedures: Request should include individual's name and the Agency by which such person is employed.

Contesting record procedures: As above.

Record source categories: Employee, supervisors, personnel, physician.

DOL/SOL-13

System name: Federal Tort Claims Act (FTCA)

System location: N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Categories of individuals covered by the system: Claimant under Federal Tort Claims Act

Categories of records in the system: Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence and memoranda.

Authority for maintenance of the system: 28 U.S.C. 2671 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None other than those contained in the Department's Prefatory Statement published in the Federal Register of September 8, 1975 (40 FR 41739).

Storage: Manual files.

Retrievability: Name of claimant.

Safeguards: Files are kept in office suite that is locked after working hours.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Associate Solicitor, Division of Employee Benefits, N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notification procedure: Associate Solicitor, Division of Employee Benefits, N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Record access procedures: Inquirer should provide his full name, plus date and place of incident.

Contesting record procedures: See above.

Record source categories: Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, other individuals.

DOL/SOL-14

System name: DOL Accident reports

System location: N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Categories of individuals covered by the system: Employees of U.S. Department of Labor.

Categories of records in the system: Accident reports involving employees of U.S. Department of Labor, regardless of fault.

Authority for maintenance of the system: 28 U.S.C. 2671 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General Services Administration, plus none other than those contained in the Department's Prefatory Statement published in the Federal Register of September 8, 1975 (40 FR 41739).

Storage: Manual files.

Retrievability: Name of claimant.

Safeguards: Files are kept in office suite that is locked after working hours.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Associate Solicitor, Division of Employee Benefits, N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notification procedure: Associate Solicitor, Division of Employee Benefits, N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Record access procedures: Inquirer should provide his full name, plus date and place of incident.

Contesting record procedures: See above.

Record source categories: Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, and other individuals.

DOL/SOL-15

System name: Comprehensive Employment and Training Act, (paragraph 416 (b)) (CETA)

System location: N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Categories of individuals covered by the system: Claimants

Categories of records in the system: Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence and memoranda.

Authority for maintenance of the system: 29 U.S.C. 926 (b)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None other than those contained in the Department's Prefatory Statement published in the Federal Register of September 8, 1975 (40 FR 41739).

Storage: Manual files.

Retrievability: Name of claimant.

Safeguards: Files are kept in office suite that is locked after working hours.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Associate Solicitor, Division of Employee Benefits, N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notification procedure: Associate Solicitor, Division of Employee Benefits, N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Record access procedures: Inquirer should provide his full name, plus date and place of incident.

Contesting record procedures: See above.

Record source categories: Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, other individuals.

DOL/SOL-16

System name: Military Personnel and Civilian Employees Claims Act

System location: N2716, New Department of Labor Building, 200

Constitution Avenue, N.W., Washington, D.C. 20210.

Categories of individuals covered by the system: Claimants

Categories of records in the system: Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence and memoranda.

Authority for maintenance of the system: 31 U.S.C. 240-243.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None other than those contained in the Department's Prefatory Statement published in the Federal Register of September 8, 1975 (40 FR 41739).

Storage: Manual files.

Retrievability: Name of claimant.

Safeguards: Files are kept in office suite that is locked after working hours.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Associate Solicitor, Division of Employee Benefits, N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notification procedure: Associate Solicitor, Division of Employee Benefits, N2716, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Record access procedures: Inquirer should provide his full name, plus date and place of incident.

Contesting record procedures: See above.

Record source categories: Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, other individuals.

[FR Doc.75-26738 Filed 10-6-75; 2:58 pm]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PRIVACY ACT OF 1974

Additional Systems of Records Notices

In three previous Federal Register notices, the Department of the Interior has set out notices describing records which it maintains which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. A notice published in the Federal Register on September 5, 1975, proposed adoption of 205 systems notices. (40 FR 41432-41507.) A notice published in the Federal Register on September 19, 1975, proposed adoption of 35 additional system notices. (40 FR 43467-43477.) A third notice, which has been submitted for publication, but which has not, as of the date of signature of this notice, appeared in the Federal Register, sets out an additional 18 system notices.

The notices set out below describe additional systems of records maintained by the Department which are subject to section 3 of the Privacy Act.

The first two groups of notices published by the Department were published as proposed notices in their entirety. With the exception of the "Routine Uses" paragraph of each notice, publication of the notices as proposed notices was not required by either the Privacy Act of 5 U.S.C. 553. Rather, use of the proposal approach was voluntarily undertaken by the Department in an effort to solicit public reaction to the notices. Because the effective date of the Act is imminent, the Department has determined that it is impractical to publish this latest group of notices as proposed notices. Accordingly, pursuant to authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the Department of the Interior adopts the notices set out below, with the exception of the "Routine Uses" paragraph of each notice.

So that these notices will be in effect on the effective date of the Privacy Act, good cause for waiver of the 30-day period for effectiveness exists and the notices will, accordingly, take effect on September 27, 1975.

In accordance with the public policy expressed in 5 U.S.C. 553 and the Department's policy statement of May 4, 1971, the Department will, however, accept and consider any comments on these notices. Comments should be submitted to the Assistant Solicitor, General Legal Services, at the address given below and must be received by October 24, 1975.

The Privacy Act does require advance publication of the "Routine Use" section of system notices. The "Routine Use" paragraphs set out below are thus proposed for adoption and written public comments thereon are solicited.

Comments on the "Routine Use" paragraphs may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. All comments received on or before October 24, 1975, will be considered. Copies of any comments which are received will be available for inspection in Room 6525 at the above address.

September 26 1975

Richard R. Hite

Deputy Assistant Secretary of the Interior.

System name: Aircraft Crew/Mechanic Information File—Interior, Office of the Secretary—42.

System location: (1) National Headquarters—Office of Aircraft Services, Division of Technical Services, 3905 Vista Avenue, Boise, Idaho 83705. (2) Regional Office—Regional Director, Office of Aircraft Services, 1935 Merrill Field Drive, Anchorage, Alaska 99501.

Categories of individuals covered by the system: Professional, dual function and incidental function pilots, aircrew members, and mechanics employed by Interior bureaus/offices.

Categories of records in the system: The system contains information relative to certificates, qualifications, experience levels, training and proficiency, performance information, and accident experience data.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records of informa-

tion are used to determine pilot qualifications to comply with OAS procedures and directives. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: records are maintained in manual form.

Retrievability: records are indexed by agency, location, name.

Safeguards: access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: records are maintained on a current basis and disposed of when superseded.

System manager(s) and address: (1) National Headquarters—Chief, Technical Services Division, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705. (2) Regional Office—Regional Director, Office of Aircraft Services, 1935 Merrill Field Drive, Anchorage, Alaska 99501.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the appropriate System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information in this system comes from individual to whom it applies and Technical Representatives, Office of Aircraft Services.

System name: Private Relief Claimants, Bureau—Interior, Office of the Secretary—45.

System location: (1) Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. (2) Geological Survey National Center, Reston, Virginia 22092. (3) Bureau of Land Management, Division of Legislation and Regulatory Management, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Individual claimants against the United States seeking remedy through private relief bills for claims involving the programs and activities of the Department of the Interior.

Categories of records in the system: Copies of relief bills and Congressional committee reports, Departmental reports on bills, correspondence, information compiled in connection with the claims, communications of requests from the sponsor of the bill on the claimant's attorney.

Authority for maintenance of the system: 5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Reporting to the Congress on the basis and validity of claims. (2) Disclosure to another Federal agency having a subject matter interest in a claim. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Disclosure to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained manually in file folders.

Retrievability: cross-indexed by name of claimant.

Safeguards: maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

Retention and disposal: retired to Federal Records Center after three Congresses.

System manager(s) and address: (1) Director, Congressional and Legislative Staff, Room 4639, Bureau of Indian Affairs, 1951 Constitution Avenue N.W., Washington, D.C. 20245. (2) Legislative Specialist, Geological Survey National Center, Reston, Virginia 22092. (3) Chief, Division of Legislation & Regulatory Management, Bureau of Land Management, 18th & C Streets, N.W., Washington, D.C. 20240. SOAn individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the appropriate System Manager listed above. The inquiry must be in writing and state that the individual seeks information concerning records pertaining to him. See 43 CFR 2.60.

Record access procedures: Same as Notification. See 43 CFR 2.63 for additional content requirements for requests.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Congress, individual claimants, bureaus and offices of the Department.

System name: Office Operations Records on Employees, Department System—Interior, Office of the Secretary—46.

System location: (1) Offices making up the Office of the Secretary, including regional and field facilities thereof. (See item I of Appendix for addresses). (2) Other Departmental offices of the Department of the Interior, including regional and field facilities thereof. (See items II-VII of Appendix for addresses.)

Categories of individuals covered by the system: Employees of the Office of the Secretary and other Departmental offices.

Categories of records in the system: Records involving operational relationships between the employee and the office in which the employee works. These records include: workload and productivity records for scheduling purposes; travel activity and budgets; accident and safety records, property accountability; studies and special projects; committee and detail assignments; locator indexes and parking space assignments.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5105-5115, 5501-5516, 5701-5709, 31 U.S.C. 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Administration of the employee's relationship to the activities and functions of the office. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter thereof. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

System manager(s) and address: For the records located in the office for which each is responsible, the head of each office making up the Office of the Secretary and the head of each other Departmental office.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by contacting the highest official of his office at the facility at which he is (or was) employed. See 43 CFR 2.60 for submission requirements.

Record access procedures: A request for access to records should be addressed to the highest official of the requester's office at the facility at which he is (or was) employed. See 43 CFR 2.61 for submission requirements.

Contesting record procedures: A petition for amendment shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is obtained through internal office procedures with which the individual is involved.

System name: Office Operations Records on Employees, Bureau System—Interior, Office of the Secretary—47.

System location: Substantially all facilities of the U.S. Fish and Wildlife Service, Geological Survey, Bureau of Indian Affairs, Bureau of Land Management, Bureau of Mines, Mining Enforcement and Safety Administration, National Park Service, Bureau of Outdoor Recreation, Bureau of Reclamation, Alaska Power Administration, Defense Electric Power Administration, Southeastern Power Administration, and Southwestern Power Administration. (See items VIII-XXI in Appendix.)

Categories of individuals covered by the system: Employees of the bureaus listed under Location, above.

Categories of records in the system: Records involving operational relationships between the employee and the office in which the employee works. These records include: workload and productivity records for scheduling purposes; travel activity and budgets; accident and safety records, property accountability; studies and special projects; committee and detail assignments; locator indexes and parking space assignments.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5105-5115, 5501-5516, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Administration of the employee's relationship to the activities and functions of the office. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter thereof. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

System manager(s) and address: (1) For the Geological Survey: Assistant Director for Administration. (2) For the Fish and Wildlife Service: Assistant Director—Administration. (3) For the Bureau of Indian Affairs: Director, Office of Administration. (4) For the Bureau of Land Management: Assistant Director—Technical Services. (5) For the Bureau of Mines: Assistant Director—Administration. (6) For the Mining Enforcement and Safety Administration: Administrative Officer. (7) For the National Park Service: Associate Director—Administration. (8) For the Bureau of Outdoor Recreation: Assistant Director for Management and Budget. (9) For the Bureau of Reclamation: Chief, Division of General Services. (10) For the Alaska Power Administration: Administrator. (11) For the Defense Electric Power Administration: Administrator. (12) For the Southeastern Power Administration: Administrator. (13) For the Southwestern Power Administration: Administrator. (See Appendix for addresses of bureau headquarters offices.)

Notification procedure: With respect to the headquarters facility of each bureau, an individual may inquire whether the system contains a record pertaining to him by contacting the System Manager. With respect to field facilities of each bureau, an inquiry shall be addressed to the highest official of the bureau at each facility. See 43 CFR 2.60 for submission requirements.

Record access procedures: With respect to the headquarters facility of each bureau, an individual may request access to a record pertaining to him by contacting the System Manager. With respect to the field facilities of each bureau, a request shall be addressed to the highest official of the bureau at each facility. See 43 CFR 2.61 for submission requirements.

Contesting record procedures: A petition for amendment shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is obtained through internal office procedures with which that individual is involved.

System name: Aircraft Services Administrative Management and Fiscal Records—Interior, Office of the Secretary—48.

System location: (1) Office of Aircraft Services, U.S. Department of the Interior, 3905 Vista Avenue, Boise, Idaho 83705. (2) Office of Aircraft Services, U.S. Department of the Interior, 1935 Merrill Field Drive, Anchorage, Alaska 99501.

Categories of individuals covered by the system: Employees and some former employees of the Office of Aircraft Services.

Categories of records in the system: Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests, travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government driver's licenses. Related records concerning administrative and fiscal management.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5101-5115, 5501-5596, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Administrative and fiscal management. (2) Disclosure to the Department of the Treasury for preparation of (a) payroll checks, (b) payroll deduction and other checks to Federal, state and local government agencies, non-governmental organizations and individuals, and (c) checks for reimbursement of employees and others. (3) Disclosure to the Internal Revenue Service and to state, commonwealth, territorial and local governments for tax purposes. (4) Disclosure to the Civil Service Commission to report contributions to the Civil Service retirement system and other contributions. (5) Disclosure to another Federal agency to which an employee has transferred. (6) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (8) Transfer to another Federal agency having a subject matter interest in the records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: manual and automated.

Retrievability: may be retrieved by individual name or social security number.

Safeguards: records are maintained in accordance with 43 CFR 2.51.

Retention and disposal: according to approved records disposal schedules.

System manager(s) and address: Director, Office of Aircraft Services, U.S. Department of the Interior, 3905 Vista Avenue, Boise, Idaho 83705.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employees, supervisors, timekeepers.

System name: Trust Territory Administrative Management and Fiscal Records—Interior, Office of the Secretary—49.

System location: Government of the Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

Categories of individuals covered by the system: U.S. Civil Service employees and former U.S. Civil Service employees assigned to the Trust Territory of the Pacific Islands.

Categories of records in the system: Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests, travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government driver's licenses. Related records concerning administrative and fiscal management.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5101-5115, 5501-5596, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Administrative and fiscal management. (2) Disclosure to the Department of the Treasury for preparation of (a) payroll checks, (b) payroll deduction and other checks to Federal, state and local government agencies, non-

governmental organizations and individuals, and (c) checks for reimbursement of employees and others. (3) Disclosure to the Internal Revenue Service and to state, commonwealth, territorial and local governments for tax purposes. (4) Disclosure to the Civil Service Commission to report contributions to the Civil Service retirement system and other contributions. (5) Disclosure to another Federal agency to which an employee has transferred. (6) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (8) Transfer to another Federal agency having a subject matter interest in the records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: manual and automated.

Retrievability: may be retrieved by individual name or social security number.

Safeguards: records are maintained in accordance with 43 CFR 2.51.

Retention and disposal: according to approved records disposal schedules.

System manager(s) and address: High Commissioner, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employees, supervisors, timekeepers.

System name: Government of American Samoa Administrative Management and Fiscal Records—Interior, Office of the Secretary—50.

System location: Government of American Samoa, Pago Pago, American Samoa 96799.

Categories of individuals covered by the system: U.S. Civil Service employees and former U.S. Civil Service employees assigned to Government of American Samoa.

Categories of records in the system: Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests, travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Claims Act. Records of issuance of Government identification cards and Government driver's licenses. Related records concerning administrative and fiscal management.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 5101-5115, 5501-5596, 5701-5709, 31 U.S.C. 66a, 240-243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Administrative and fiscal management. (2) Disclosure to the Department of the Treasury for preparation of (a) payroll checks, (b) payroll deduction and other checks to Federal, state and local government agencies, non-governmental organizations and individuals, and (c) checks for reimbursement of employees and others. (3) Disclosure to the Internal Revenue Service and to state, commonwealth, territorial and local governments for tax purposes. (4) Disclosure to the Civil Service Commission to report contributions to the Civil Service retirement system and other contributions. (5) Disclosure to another Federal agency to which an employee has transferred. (6) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (8) Transfer to another Federal agency having a subject matter interest in the records.

ing the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (8) Transfer to another Federal agency having a subject matter interest in the records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: manual and automated.

Retrievability: may be retrieved by individual name or social security number.

Safeguards: records are maintained in accordance with 43 CFR 2.51.

Retention and disposal: according to approved records disposal schedules.

System manager(s) and address: Governor of American Samoa, Pago Pago, American Samoa 96799. SOInquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employees, supervisors, timekeepers.

System name: Emergency Defense Mobilization Files—Interior/OS—51.

System location: (1) Office of the Assistant Secretary—Energy and Minerals. (2) Office of the Assistant Secretary—Land and Water Resources. (3) Defense Electric Power Administration. Address for all locations: U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Members of the National Defense Executive Reserve and other individuals assigned responsibilities in the event of a national defense emergency.

Categories of records in the system: Biographical and related records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) For the purpose of administering the NDER program, agency officials of participating departments and agencies may obtain from the NDER Coordinator data relevant to Reservists assigned to their units. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter thereof. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained in manual form.

Retrievability: indexed by individual name.

Safeguards: maintained with safeguards meeting the requirements of 43 CFR 2.51.

Retention and disposal: held for two years after individual's resignation or death.

System manager(s) and address: (1) For records maintained in the Office of the Assistant Secretary—Energy and Minerals, the Assistant Secretary—Energy and Minerals. (2) For records maintained in the Office of the Assistant Secretary—Land and Water Resources, the Assistant Secretary—Land and Water Resources. (3) For records maintained by the Defense Electric Power Administration, the Administrator, DEPA.

Notification procedure: A written, signed request stating that the requester seeks information concerning records pertaining to him is required. The request shall be addressed to the appropriate System Manager. See 43 CFR 2.60 for submission requirements. SPA

request for access shall be addressed to the appropriate System Manager and shall meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and shall meet the content requirements of 43 CFR 2.71.

Record access procedures: Individuals.

System name: Personnel Investigations Records—Interior, GS—23.

System location: Security Office, Branch of General Services, Administrative Division, USGS National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Categories of individuals covered by the system: (1) Current USGS employees who (a) have been granted access to classified information; (b) are selected applicants considered for access to classified information; (c) are selected applicants found unsuitable for access to classified information because unfavorable information was developed during the conduct of their security investigations; (d) are selected employees fulfilling sensitive or critical-sensitive positions not requiring access to classified information; and (e) are selected employees fulfilling non-sensitive positions whose employment suitability investigation disclosed unfavorable or questionable information. (2) Former USGS employees who (a) had been granted access to classified information; and (b) unfavorable or questionable information was disclosed as a result of a security or employment suitability investigation.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for any violations against the law; reports of interviews with present and former supervisors, co-workers, associates, educators, etc; reports about the qualifications of an individual for a specific position; reports of inquiries with or from law enforcement agencies, employers, and educational institutions attended; foreign affiliations which may affect his or her loyalty to the United States; and other information developed from the above.

Authority for maintenance of the system: Executive Order 10450, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: (1) To designated officials, officers, and employees of the USGS, DOI, CSC, ERDA, CIA, FBI, and all other agencies and departments of the Federal Government who in the performance of their duties have an interest in the individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government. (2) To all law enforcement agencies, whether Federal, state, or local, who are charged with the responsibility of investigating or prosecuting any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: all investigative records are maintained in file folders stored in Class 5 security containers having manipulation resistant combination locks. The card index for this system of records is contained in a metal cabinet with a secure key locking device; the key is secured in a Class 5 security container. All containers and cabinets are further secured in a windowless room having one doorway which is secured by a key locking device. Both the key locking devices and combinations to the Class 5 security containers are under stringent security controls.

Retrievability: all records are indexed by surname in alphabetical order.

Retention and disposal: (a) The CSC investigative files are returned to that agency when the subject of the investigation terminates employment. (b) All information supplementing the above CSC investigative files, originated by the USGS, is retained for five (5) additional years following termination of employment and is then destroyed. (c) The card index to this system of records which reflects a summary of information is retained for five (5) additional years following termination of employment and is then destroyed.

System manager(s) and address: Security Officer/Alternate Security Officer, USGS, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Notification procedure: Same as above. Written inquiries are required and must include the following information in order to positively identify the individual whose records are requested: (1) full name, (2) date of birth, (3) place of (4) any available information regarding the type of record requested.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting the records from the above System Manager.

Contesting record procedures: Same as above.

Record source categories: Information contained in this system was obtained from the following categories of sources: (1) Applications and other personnel and security forms furnished by the individual. (2) Results of investigations and other record material furnished by Federal agencies. (3) Notices of personnel actions initiated within the USGS.

System name: Employee Work Report edit and Individual Employee Production Rates—Interior, GS—24.

System location: (1) U.S. Geological Survey, Topographic Division, National Center, Stop 511, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (2) Eastern Mapping Center, Topographic Division, National Center, Stop 567, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (3) Mid-Continent Mapping Center, Topographic Division, Ninth and Pine Streets, Box 133, Rolla, Missouri 65401. (4) Rocky Mountain Mapping Center, Topographic Division, Box 25046, Stop 510, Denver, Colorado 80225. (5) Western Mapping Center, Topographic Division, 345 Middlefield Road, Menlo Park, California 94025. (6) Special Mapping Center, Topographic Division, 1943 Newton Square, East, Reston, Virginia 22090.

Categories of individuals covered by the system: Production employees in Mapping Centers.

Categories of records in the system: Contains name, social security number, cost and production rates, hours, and miles by individual production employee in each of the five Mapping Centers listed above.

Authority for maintenance of the system: 5 U.S.C. 301, 3101; 43 U.S.C. 31, 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For analysis of cost and production rates by individual production employee.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained on punched cards, mag-tape, and disc.

Retrievability: by name.

Safeguards: authorized persons only from locked storage.

Retention and disposal: records maintained for a period of 1 to 5 years and then destroyed in accordance with existing regulations for this class of records.

System manager(s) and address: (1) Chief, Production Analysis and Evaluation Section, Office of Plans and Program Development, Topographic Division, National Center, Stop 511, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (2) Chief, Plans and Production Branch, Eastern Mapping Center, Topographic Division, National Center, Stop 567, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (3) Chief, Plans and Production Branch, Mid-Continent Mapping Center, Topographic Division, Ninth and Pine Streets, Box 133, Rolla, Missouri 65401. (4) Chief, Plans and Production Branch, Rocky Mountain Mapping Center, Topographic Division, Box 25046, Stop 510, Denver Federal Center, Denver, Colorado 80225. (5) Chief, Plans and Production Branch, Western Mapping Center, Topographic Division, 345 Middlefield Road, Menlo Park, California 94025. (6) Chief, Plans and Production Section, Special Mapping Center, Topographic Division, 1943 Newton Square, East, Reston, Virginia 22090.

Notification procedure: A request for notification shall be addressed to the appropriate System Manager. See 43 CFR 2.60 for submission requirements.

Record access procedures: A request for access shall be addressed to the appropriate System Manager. See 43 CFR 2.61 for submission requirements. SQA petition for amendment shall be addressed to the System Manager. See 43 CFR 2.71 for submission requirements.

Record source categories: Data from work report prepared by individuals.

System name: Timber Cutting and Fire Trespass Claims Case Files—Interior, BIA—24.

System location: Central Office, Area, Agency and Field Offices of the BIA. (See Appendix for addresses.)

Categories of individuals covered by the system: Indian landowners who have filed trespass claims for fire or cutting damage to Indian forest lands under Bureau of Indian Affairs supervision.

Categories of records in the system: Investigation and Claims Case Files on trespass actions involving fire or cutting damage to Indian forest lands under Bureau of Indian Affairs supervision.

Authority for maintenance of the system: 13 U.S.C. 1, 1A, 13; Act of May 10, 1939, 58 Stat. 3693; 43 Stat. 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identifies timber cutting and fire trespass claims actions filed against trespassers for cutting or fire damage to Indian forest lands under Bureau of Indian Affairs supervision. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained in manual form in file folders.

Retrievability: indexed by name of landowner.

Safeguards: maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

Retention and disposal: records are disposed of after claims have been settled or closed out in full.

System manager(s) and address: Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20242.

Notification procedure: System Manager or with respect to records maintained in the office for which he is responsible, the Agency or the Area Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed the same as the notification. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

Record source categories: Indian landowners.

Systems exempted from certain provisions of the act: This system is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

System name: Incentive and Honor Awards—Interior, BLM—26.

System location: (1) Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Denver Service Center, Department of the Interior, Bureau of Land Management, Denver Federal Center, Bldg. 50, Denver, Colorado 80225. (3) Boise Interagency Fire Center, BLM, 3905 Vista Avenue, Boise, Idaho 83705, and all State Offices listed in Appendix.

Categories of individuals covered by the system: BLM employees who have submitted a beneficial suggestion and persons (BLM employees and some non-employees) who have been recommended or nominated for a performance or honor award.

Categories of records in the system: The record contains the person's name, file number, and biographic data for honor awards.

Authority for maintenance of the system: 5 U.S.C. 4502, 4503, 4504, and 4506.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used as a basis for awarding and/or honoring employees and non-employees. (2) Used as a basis for nominating persons for non-government awards. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation

or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained manually in file folders.

Retrievability: indexed by name of individual and assigned file number.

Safeguards: meeting the requirements of 43 CFR 2.51 for manual records.

Retention and disposal: record destroyed two years after approval or four years after rejection.

System manager(s) and address: Assistant Director—Technical Services, Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: System manager or head of office where the record is maintained. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Suggestions received from employees. Evaluations by supervisors for performance awards and from employees nominating persons for honor awards.

Coal Mine Respirable Dust Program—Interior, MESA—13.

System location: (1) Coal Mine Health and Safety Activity, Mining Enforcement and Safety Administration, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (2) Substantially all Coal Mine Health and Safety Offices listed on Enclosure 2.

Categories of individuals covered by the system: Individual coal miners for whom personal dust samples have been submitted for analysis.

Categories of records in the system: Contains data concerning mine identification, mine section, name of individual sampled, social security number, date of sample, and concentration of respirable dust contained in the personal sampler.

Authority for maintenance of the system: Title II of PL 91-173, Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 201-206).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determine respirable dust levels in every active working mine to insure compliance with dust level standards. (2) Transfer of respirable dust data to the U.S. Department of HEW in accordance with provisions of PL 91-173. (3) Special studies relative to occupational types, mining methods, ventilation, etc. (4) Furnishing mine operators with information relevant to the respirable dust program as it applies to their operations as required by the law. (5) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (6) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (7) Disclosure to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (8) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: analytical data from a form is recorded on diskettes and transmitted to Denver where it is placed on magnetic tapes at the Denver computer operations.

Retrievability: data is indexed by mine identification number, name of mine, and name of operator, name of individual and individual Social Security number.

Safeguards: computer safeguards as described in the National Bureau of Standards Booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" and procedures developed by MESA under GSA Circular E-34.

Retention and disposal: analysis forms are mailed to Denver and microfilmed. The forms are destroyed and the microfilm record is maintained indefinitely. Computer tapes are purged periodically and computer output is utilized in the Districts indefinitely.

System manager(s) and address: Chief, Division of Health, Coal Mine Health and Safety, MESA, 4015 Wilson Blvd., Arlington, Virginia 22203.

Notification procedure: Inquiries regarding records in these files should be addressed to the System Manager. Requests must be in writing and be signed by the requester. For additional information see 43 CFR 2.60.

Record access procedures: Individuals may write, visit, or call the System Manager at the address indicated above for information concerning procedures involved in gaining access to the records in this file. (Area code 703, telephone 235-1358.) For additional information on this subject see 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and shall meet the content requirements of 43 CFR 2.71.

Record source categories: Mine operators and MESA inspection personnel submit the information used in this system.

System name: Coal Mine Noise Level Program—Interior, MESA—14.

System location: (1) Coal Mine Health and Safety Activity, Mining Enforcement and Safety Administration, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (2) Substantially all Coal Mine Health and Safety Offices listed in Appendix.

Categories of individuals covered by the system: Individual coal miners for whom noise level samples have been submitted for analysis.

Categories of records in the system: Contains data concerning mine identification, mine section, name of individual sampled, social security number, date of sample, and noise level data.

Authority for maintenance of the system: Title II of PL 91-173, Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 201-206).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determine noise levels in every active working mine to insure compliance with noise level standards. (2) Special studies relative to occupational types, mining methods, ventilation, etc. (3) Furnishing mine operators with information relevant to the noise program as it applies to their operations as required by the law. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (6) Disclosure to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (7) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: currently noise level data is entered onto a form which is sent to District Offices for manual processing and filing in manila folders. In two District offices punch card and EAM equipment are used in processing this data and diskettes and a mini-computer is utilized in one District office for this purpose. This system will be fully automated as soon as practical.

Retrievability: data is indexed by mine identification number, name of mine, name of operator, name of individual and individual Social Security number.

Safeguards: computer safeguards as described in the National Bureau of Standards Booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" and procedures developed by MESA under GSA Circular E-34.

Retention and disposal: forms and punch cards are retained indefinitely.

System manager(s) and address: Chief, Division of Health, Coal Mine Health and Safety, MESA, 4015 Wilson Blvd., Arlington, Virginia 22203. SOInquiries regarding records in these files should be addressed to the System Manager. Requests must be in writing and be signed by the requester. For additional information see 43 CFR 2.60.

Record access procedures: Individuals may write, visit, or call the System Manager at the address indicated above for information concerning procedures involved in gaining access to the records in this file. (Area Code 703, telephone 235-1358.) For additional information on this subject see 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the content requirements of 43 CFR 2.71.

Record source categories: Mine operators and MESA inspection personnel submit the information used in this system.

System name: Health and Safety Training Records including Qualifications and Certification Data—Interior, MESA—15.

System location: Qualifications and Certification Unit, Education and Training, Mining Enforcement and Safety Administration, U.S. Department of the Interior, 603 Miller Court, Lakewood, Colorado 80215.

Categories of individuals covered by the system: Contains training data on miners, mining industry personnel, and Federal employees who have taken MESA approved training courses.

Categories of records in the system: Contains name, social security number, mine ID number, training course, instructor's name and other relevant data.

Authority for maintenance of the system: Section 317 of PL 91-173, Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 877) and Section 15 of PL 89-577, Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 734).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Issue certification cards to individual miners, mining industry personnel and state and Federal employees who have taken MESA's approved training courses and become certified and/or qualified under the law. (2) Issue certification cards to instructors authorizing them to teach MESA training courses. (3) Statistical reporting of training data in various formats for a variety of uses, e.g. reporting to Congress, publication, etc. (4) Provide information to interested parties relative to health and safety training data maintained in the historical files. (5) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of these records. (6) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order, or license violated or potentially violated. (6) Disclosure to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: input forms to punch cards to magnetic tapes in the computer system. Data reproduced from tape files into microfilm records stored in the Qualifications and Certification Unit.

Retrievability: computerized records are indexed by mine identification and individual Social Security numbers. Microfilm records are retrieved on basis of mine identification numbers.

Safeguards: computer safeguards as described in the National Bureau of Standards Booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" and procedures developed by MESA under GSA Circular E-34.

Retention and disposal: computer records are purged monthly. Reporting outputs are discarded after they have served their purpose. Microfilm records are being maintained indefinitely for historical file purposes.

System manager(s) and address: Education specialist, Qualifications and Certification Unit, Education and Training, 603 Miller Court, Lakewood, Colorado 80215. (Area Code 303, telephone 234-4398.) SOInquiries regarding records in this system should be addressed to the System Manager. Such requests must be submitted in writing and be signed by the requester. For additional information see 43 CFR 2.60.

Record access procedures: Individuals may write, visit, or call the System Manager at the address indicated above for information concerning the procedures involved in gaining access to records in this file. For additional information on this subject see 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and shall meet the content requirements of 43 CFR 2.71.

Record source categories: Individuals receiving approved training and instructors of the training courses represent the source of the data in these records.

System name: Employee Locator System, Department of the Interior, MESA—16.

System location: (1) Branch of Records Management, Mining Enforcement and Safety Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Substantially all locations listed in Appendix.

Categories of individuals covered by the system: Current employees of MESA.

Categories of records in the system: Records contain name, title, office address, organization symbol, business telephone number, room number, home address, home telephone number, reason for preparation (i.e., new listing, change of address or location, separation).

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used to assist callers in locating MESA employees and for the use of other employees of MESA who have a need for the records in the performance of their duties. (2) Used to compile agency telephone directory. (3) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of these records. (4) Transfer, in the event there is an indicated violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated. (5) Disclosure to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation to an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: records are maintained on DI-28 forms on a 3 inch by 5 inch file box.

Retrievability: records are filed alphabetically by name.

Safeguards: file is kept in a locked cabinet and only those employees who work with the records have access to them.

Retention and disposal: records are maintained until a notice of change or employment is terminated. Records are destroyed when no longer needed.

System manager(s) and address: Chief, Branch of Records Management, Mining Enforcement and Safety Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Notification procedure: Inquiries regarding records in this system should be addressed to the Systems Manager. Such requests must be submitted in writing and signed by the requester. For additional information, see 43 CFR 2.60.

Record access procedures: Individuals may write the Systems Manager at the address indicated above for information concerning the procedures involved in gaining access to records in this system. For additional information on this subject, see 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be in writing and addressed to the System Manager. The petition shall meet the content requirements of 43 CFR 2.71.

Record source categories: Information is from individual employees.

System name: Imprest Fund Cashiers—Interior, Southwestern Power Administration—6.

System location: (1) Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, Oklahoma 74103. (2) Following Field Offices with the above function: (a) Area Engineer, 1409 West Shawnee Street, P.O. Box 1569, Muskogee, Oklahoma 74401; (b) Foreman III, Lineman, 907 North Mississippi, Box 1466, Ada, Oklahoma 74820; (c) Area Engineer, Golden Avenue and Battlefield Road, Box 3337, Glenstone Station, Springfield, Missouri 65804; (d) Area Engineer, 305 North Floyd Street, Box 1223, Jonesboro, Arizona 72402.

Categories of individuals covered by the system: Employees of SPA with the above funds handling title.

Categories of records in the system: Name, address, class, authorized amount of fund, dates of appointment and cancellation of same. Reports of unannounced administrative reviews conducted of imprest funds.

Authority for maintenance of the system: (1) 31 U.S.C. 686. (2) 31 U.S.C. 66(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Primarily for control of funds handling appointments. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained on letter memos or prescribed standard forms in OPF's and in responsible office files.

Retrievability: OPF's are filed alphabetically, and respective office files are filed by name and location.

Safeguards: maintained in a metal file cabinet equipped with lock.

Retention and disposal: standard retention procedure is followed for OPF copies. Individual office files are maintained for active appointments only.

System manager(s) and address: Chief, Division of Administrative Management, Room 3440, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Notification procedure: System Manager. See 43 CFR 2.60 for submission requirements.

Record access procedures: System Manager. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: System Manager. See 43 CFR 2.71 for submission requirements.

Record source categories: Individual on whom the record is maintained, supervisors, and employees appointed to conduct administrative reviews.

System name: Accidents—Interior, Southwestern Power Administration—7.

System location: Southwestern Power Administration, U.S. Department of the Interior, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Categories of individuals covered by the system: Individuals having an accident either by a motor vehicle or any other form of accident.

Categories of records in the system: Reports of serious accident, fatalities, and motor vehicle accidents. Contain forms, statements, police reports, claims and supporting information, and pictures.

Authority for maintenance of the system: (1) Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240-243 (1970); (2) Federal Tort Claims Act, 28 U.S.C. 2401, 2671-2680 (1970); (3) Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668; (4) 5 U.S.C. 7902 (1970); and (5) 5 U.S.C. 2101 (1970).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identify deficiencies in the employee safety program that must be corrected in order to maintain a safe and healthful workplace for all employees. (2) Transfer to GSA when a GSA vehicle is involved in an accident. (3) Determination of financial liability and disciplinary action. (4) Input documents for Department of the Interior Automated System for accident reporting. (5) Disclosure to Office of the Solicitor for use in determining tort, employee, and similar claims against the U.S. (6) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (7) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (8) Disclosure to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (9) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of any employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: records maintained manually on forms.

Retrievability: alphabetically by employee name.

Safeguards: maintained in a metal file cabinet equipped with lock.

Retention and disposal: subject to authorized disposal schedules.

System manager(s) and address: Chief, Division of Administrative Management, Room 3440, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Notification procedure: System Manager. See 43 CFR 2.60 for submission requirements.

Record access procedures: System Manager. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: System Manager. See 43 CFR 2.71 for submission requirements.

Record source categories: Individual on whom the record is maintained, witnesses to an accident, investigations by SPA employees and other authorities, and accident reports submitted by local or state police enforcement agencies.

UNITED STATES RAILWAY ASSOCIATION

PRIVACY ACT OF 1974 Notice of Systems of Records

Notice is hereby given that the United States Railway Association, in accordance with the provisions of sec. 552a(e)(4) of The Privacy Act of 1974, proposes to adopt the notices of systems of records set forth below. Public comment is invited on these notices on or before October 24, 1975. Any person wishing to submit written data, views or arguments on the procedures or routine uses of these systems or records should send such comments to the Docket Clerk, U.S. Railway Association, 2100 Second Street, S.W., Washington, D.C. 20595 by October 24, 1975.

Dated this 26th day of September 1975.

Alan L. Dean,

Acting President, United States Railway Association.

USRA 75.1

System name: Congressional Reference System 75.1-USRA

System location:

Vice President for Congressional Affairs
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: Senators and Congressmen

Categories of records in the system: Contains name, political affiliations, state, office building, room and phone, correspondence concerns with respect to the USRA Final System Plan, and the name of the aide who had been contacted, or contacted USRA.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Normal reference to correspondence files as well as summarizing Congressional reaction to the Final System Plan, and reporting to USRA officers the current concerns of Congress about the work of USRA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in data files, on listings and on documents in file cabinets.

Retrievability: Records are retrievable by any data element.

Safeguards: Files are accessible only by USRA personnel authorized by the Office of Congressional Affairs having a need-to-know.

Retention and disposal: Files will be retained during FSP considerations by Congress and retained at the discretion of responsible archivists.

System manager(s) and address:

Vice President for Congressional Affairs
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.
Washington, D.C. 20595 Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist

USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record source categories: Senators, Congressmen, their aides, and publications in the public domain.

USRA 75.2

System name: Employment and Financial Interest Records 75.2-USRA

System location:

General Counsel
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: Employees of the U.S. Railway Association and ConRail

Categories of records in the system: Contains name, SSAN, position title, statement as to other employment and financial interests, creditors, interest in real property, and names and addresses of others having such information.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Determination of conflict of interest

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in secure metal file cabinets

Retrievability: By name of individual

Safeguards: Accessible only to personnel designated by the General Counsel. No statement may be disclosed to any person outside the Association except as the General Counsel may determine for good cause shown, and then only after notice to the effected employee.

Retention and disposal: Records are retained indefinitely. File will be transferred to the appropriate records depository at termination of USRA organization.

System manager(s) and address:

General Counsel
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.
Washington, D.C. 20595 Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record source categories: The individuals themselves and the persons to contact whose names they provided.

USRA 75.3

System name: Employment Application File 75.3-USRA

System location: Personnel Office of the U.S. Railway Association 2100 Second Street, S.W., Washington, D.C. 20595

Categories of individuals covered by the system: Applicants for employment with USRA or the Consolidated Rail Corporation

Categories of records in the system: Contains name, address, phone number, position and salary interest, salary and job history for those individuals who have applied for employment. Contains correspondence and resume from applicants.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 310, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review by USRA or ConRail offices having manpower requirements for possible employment consideration.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders

Retrievability: Files are in order by type of position applied for and therein in alphabetical order by last name.

Safeguards: Files are located in lockable metal file cabinets in secure rooms with access limited to those whose official duties require access.

Retention and disposal: Files are retained indefinitely. Files will be returned to the applicants or destroyed at termination of USRA organization.

System manager(s) and address:

Chief, Personnel Operations
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.

Washington, D.C. 20595 Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record source categories: Contains only information submitted by the applicants.

USRA 75.4

System name: Library Records System 75.4-USRA

System location: Document Center of the U.S. Railway Association 2100 Second Street, S.W., Washington, D.C. 20595

Categories of individuals covered by the system: Employees and consultants of USRA who have borrowed a document

Categories of records in the system: Contains name, office, extension, document title, accession number, and date document was charged out

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 310, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review by USRA Document Center personnel for document location and control

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 x 8 cards in steel filing cabinets

Retrievability: By name of borrower

Safeguards: Files are accessible by Document Center personnel only

Retention and disposal: Records are retained until the document is returned

System manager(s) and address:

Chief, Document Center
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.

Washington, D.C. 20595 Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record source categories: Contains only information submitted by the individuals themselves.

USRA 75.5

System name: Payroll 75.5-USRA

System location:

Accounting Office
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: USRA Employees

Categories of records in the system: Contains name, address, phone, employee number, salary information, payroll deductions, name and address of emergency contact, birth date, leave hours, SSAN.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 310, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: P payroll, deductions, statistical reports, audit, tax computations

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In computer data files and listings thereof and in hard copy form in lockable metal file cabinets.

Retrievability: Normally by name within USRA Cost Center, but possibly by any data element

Safeguards: Records are accessible only by persons authorized by the Assistant Comptroller

Retention and disposal: Hard copy records will be retained indefinitely. Files will be transferred to the appropriate records depository at termination of USRA Organization. Computer records are retained for the life of the data processing contract and destroyed thereafter.

System manager(s) and address:

Assistant Comptroller
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.

Washington, D.C. 20595 Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual

may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record source categories: The individuals, personnel files.

USRA 75.6

System name: Personnel Records 75.6-USRA

System location:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: USRA and Consolidated Rail Corporation employees

Categories of records in the system: Contains employment applicant records, personnel actions, salary information, fringe benefits records, resumes, background and credit reference contacts. Records include name, address, SSN, education, professional activities, military services, employment record, references and miscellaneous information.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Process personnel actions, statistical reports, special reports to Congress and General Accounting office, prepare name and organizational lists for phone book, professional staff directory.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cardex, file folders in lockable metal cabinets in secure room.

Retrievability: By name

Safeguards: Files accessible only to Office of Personnel staff who have a need-to-know.

Retention and disposal: Files are retained indefinitely. Files will be transferred to the appropriate records depository at termination of USRA organization.

System manager(s) and address:

Chief, Personnel Operations
Office of Personnel
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for administration
2100 Second Street, S.W.

Washington, D.C. 20595 Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of

such additional information.

Record source categories: Employee, employee provided contacts.

USRA 75.7

System name: Railroads in Reorganization Employee Information System 75.7-USRA

System location:

Vice President for Manpower Planning
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: Union and non-union employees of railroads in reorganization

Categories of records in the system: Data elements include employee number, name, home address, SSAN, wages, education, EEOC code, job entrance date, seniority date, birthdate, job title, job location, job status code (furloughed, leave of absence, etc.)

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Preparation of seniority rosters to aid union negotiations and meet the requirements of the Regional Rail Reorganization Act of 1973; supplying ConRail to support staff selections and employee roster creation; producing statistical reports; and supplying other solvent railroads participating in coordination projects.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in computer data files, on print out listings of the files and on source documents in file cabinets.

Retrievability: Records are retrievable by any data element.

Safeguards: Computer file names are unique and not indicative of file contents with file use restricted to those authorized access to the data processing contracts, listings are stored in limited access offices with use restricted to those with a need to know; source documents are stored in lockable file cabinets.

Retention and disposal: Files are retained indefinitely. Files will be transferred to the appropriate records depository at termination of USRA organization, unless required for ConRail use in which case they will be turned over to ConRail.

System manager(s) and address:

Director, Manpower Inventory
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.

Washington, D.C. 20595 Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record access procedures: Same as above

Record source categories: Information in the system was obtained from the railroads in reorganization and from the individuals themselves.

federal register

FRIDAY, OCTOBER 10, 1975



PART VII:

DEPARTMENT OF LABOR

**Employment Standards
Administration**



MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration
MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from October 10, 1975 without limitation as to time and are to

be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Michigan:
MI75-2062 ----- Apr. 18, 1975.
Nevada:
NV75-5095 ----- Aug. 1, 1975.
New Jersey:
NJ75-3049 ----- July 11, 1975.
NJ75-5042 ----- Apr. 4, 1975.
Rhode Island:
RI75-2111; RI75-2112 ----- Sept. 26, 1975.

SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedes Decision numbers are in parentheses following the numbers of the decisions being superseded.

Montana:
MT75-5091 (MT75-5126);
MT75-5092 (MT75-5127);
MT75-5093 (MT75-5128);
MT75-5094 (MT75-5125) - July 25, 1975.
Oregon:
OR75-5111 (OR75-5123) -- Sept. 5, 1975.
Rhode Island:
RI75-2031 (RI75-2116) --- Feb. 7, 1975.
Washington:
WA75-5113 (WA75-5124) -- Sept. 12, 1975.
Wisconsin:
WI75-2047 (WI75-2115) --- Feb. 28, 1975.

Signed at Washington, D.C., this 3rd day of October 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NOTICES

47999

DECISION NO. N775-5005 - Mod. #2
(40 FR 31635 - August 1, 1975)
Statewide (excluding the Nevada
Test Site and Tonopah Test
Range) Nevada

DECISION #M75-2062 - Mod. #1
(40 FR 17515 - April 18, 1975)
Genesee, Jasper, Saginaw,
St. Clair and Shiawassee Cos.
Michigan

Chavez
Electricians:
Saginaw County
Structures up to and
including three stories
Four story structures

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	N & W	Penalties	Penalties	
\$ 7.15 10.60		16+.15 16+.30		36 36

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	N & W	Penalties	Penalties	
\$8.50	.50	.65		.10
8.60	.50	.65		.10
8.75	.50	.65		.10
8.80	.50	.65		.10
9.10	.50	.65		.10
9.35	.50	.65		.10
9.65	.50	.65		.10

Change:
Tunnel Laborers:
Sweeper; Bull Gang; Muckers,
Trackmen; Dumpmen; Concrete
Crew - includes rodding and
spreading; Grout Crew incl.
Headmen and Potmen; Re-
boundmen
Nipper; Chuck Tenders and
Cable Tenders; Powderman -
Primer House; Vibrators;
Pavement Breakers
Grout Gunmen; Jetgunmen;
Gunmen
Miners - Tunnel, including
Top and Bottom Man on Shaft
and Raise Work; Timbermen,
Bulldozers - Wood or Steel
or substitute materials
therefor; Blasters, Drillers,
Powdermen - where car is
lifted; Nozzlemen on slick
line; Sand Blaster - Foam
(work assignment inter-
changeable); Steel Form
Raisers and Setters; All
Shotcreting Work; Tunnel
Miner Finisher
Shaft Work and Raise (below
actual or excavated ground
level); Diamond Driller;
Gunite Nozzlemen; Rodmen,
Groundmen
Shifters
Shaft Work and Raise-Shifters

DECISION NO. NJTS-3049

Change: NJTS-3049 - Mod. #3
(40 FR 26219 - June 20, 1975)
Atlantic, Burlington, Camden,
Cape May, Cumberland,
Gloucester, Mercer, Monmouth,
Ocean & Salem Counties, New
Jersey

Change:
Electricians & Cable Splicers
Zone 1
Zone 3
Ironworkers - Structural,
Ornamental & Reinforcing;
Burlington (southern portion
of county up to but not
including Lambertton &
Chatsworth Twp.), Camden,
Gloucester & Salem Counties
Burlington (remainder of
county) & Mercer Counties
Laborers, Building Construction
Zone 3

Laborers
Hod carriers, mason tenders
and operators of jackhammers
tamper & electric hammers
Zone 4
Zone 5
Laborers
Jackhammers
Zone 6
Laborers
Hod Carriers and Plasterers
Tenders

Line Construction:

Zone 1
Linemen, cable splicers &
equipment operators
Groundmen
Zone 2
Linemen, cable splicers &
equipment operators
Groundmen & winch operators

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
\$11.45	.42	134.30		.01
11.65	.41	134.15		.05
10.30	.64	1.06		.03
10.36	.79	1.11		.05
7.40	.40	.40		.02
7.65	.40	.40		.02
7.85	.45	.45		.02
7.35	.50	.45		.02
7.60	.50	.45		.02
7.25	.40	.55		.02
7.35	.40	.55		.02
10.20	.41	134.30		1/2 of 12
8.25	.41	134.30		1/2 of 12
12.20	.41	134.40		1/2 of 12
9.75	.41	134.40		1/2 of 12

Line Construction (Cont'd):
Zone 3
Linemen
Groundmen & Winch Operators
Zone 4
Linemen
Line Digger Truck Drivers
Groundmen
Zone 5
Linemen, Equipment Operators,
Technicians & Certified
Linemen Welders
Truck Drivers
Groundmen
Plumbers & Pipefitters:
Zone 2
Zone 3
Sheet Metal Workers:
Zone 3
Add:
Glaziers:
Burlington (that portion
north of a line that begins
at Florence-Robling and
that extends in a south
easterly direction that
includes Fort Dix to the
Ocean County line) & Mercer
Counties

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
11.55	.42	134.15		1/2 of 12
9.30	.42	134.15		1/2 of 12
10.07	.42	134.25		1/2 of 12
6.00	.42	134.25		1/2 of 12
7.02	.42	134.25		1/2 of 12
10.50	.25	134.60		1/2 of 12
7.55	.25	134.60		1/2 of 12
7.00	.25	134.60		1/2 of 12
10.40	.52	1.00	1.00	.85
10.06	.83	.60		.02
9.41	.35	.50		.02

NOTICES

48001

DECISION NO. R175-3050 - Mod. #3

(40 FR 23561 - July 11, 1975)

Bergen, Essex, Hudson,
Montgomery, Middlesex, Morris,
Passaic, Somerset, Sussex,
Union & Warren Counties, New
Jersey

Change:

Bricklayers, Stone Masons,
Cement Masons & Plasterers:

Zone 6

Laborers - Building Con-

struction:

Zone 1

Zone 3

Regular Laborers

Mortar Mixers, Scaffold

Men & Pneumatic Hammer

Operators

Zone 4

Zone 5

Zone 6

Zone 8

Zone 9

Zone 13

Zone 14

Zone 15

Zone 17

Plumbers

Zone 2

Plumbers & Pipefitters:

Zone 3

Zone 4

Sheet Metal Workers:

Bergen & Hudson

Montgomery

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Penalties	Variances	
\$ 9.95	.60	.60		.02
7.10	.50	.70		.02
7.45	.70	.30		.02
7.70	.70	.30		.02
7.60	.40	.30		.02
7.00	.70	.60		.02
7.20	.50	.60		.02
7.40	.40	.50		.02
7.50	.60	.40		.02
7.00	.70	.60		.02
7.15	.50	.50		.02
7.40	.40	.20		.02
9.85	.66	.65	1.00	.02
9.89	.65	.81	101	.11
10.55	.475	1.16		.04
10.17	534.1644	534.10	434.06	.02
10.06	.83	.60		.02

DECISION #0875-5042 - Mod. #1

(40 FR 15312 - April 4, 1975)

Clackamas, Multnomah and
Washington Counties, Oregon

Change:

Electricians

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Penalties	Variances	
\$10.10	.45	154.40		.02
DECISION NO. R175-2111 - Mod. #1 (40 FR 44437 - September 28, 1975) Newport County, Rhode Island				
Change: Ironworkers (Building, Heavy, Highway, and Marine) Painters (Heavy, Highway, and Marine): Remainder of County: Brush, Roller, Taper Structural steel and steam cleaning Air power brush Spray, sand & water blast- ing Carpenters; soft floor layers, piledrivers (Building)	.55	1.40		.05
8.65	.55	.55		
8.90	.55	.55		
9.15	.55	.55		
9.65	.55	.55		
9.00	.60	.60		.05
DECISION NO. R175-2112 - Mod. #1 (40 FR 44471 - Sept. 28, 1975) Washington County, Rhode Island				
Change: Ironworkers (Building, Heavy, Highway, and Marine) Painters (Heavy, Highway, and Marine): Brush, Roller, Taper Structural steel and steam cleaning Air power brush Spray, sand and water blasting	.55	1.40		.05
9.43	.55	.55		
8.65	.55	.55		
8.90	.55	.55		
9.15	.55	.55		
9.65	.55	.55		

	Fringe Benefits Payments			
	H & V	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)				
Sawyers: Filars, Piledrivers; Carpenters working burned, charred, creosoted or similarly treated material Millwrights and Machine erectors	.68 .96	.55 .55		.02 .02
Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland and Yellowstone Counties				
Carpenters:				
Floor Sanders: Sawmen	.60	.65		.02
Mill-Covermen	.75	.65		.02
Millwrights	.40	.65		.02
Beaverhead and Silver Bow Counties				
Carpenters	.40	1.00	.75	.02
Millwrights and Piledrivers	.40	1.00	.75	.02
Gallatin, Madison, Park and Sweetgrass Counties				
Carpenters	.40	.55		.02
Millwrights and Piledrivers	.40	.55		.02
COUNTY SUNDRIES:				
Flatheads, Glacier, Lake (North of the City of Roman), Lincoln and Sanders (North of the City of Pikes) Counties	.37			
Granite (Northern half), Lake (Southern area, including the City of Pablo), Mineral, Missoula, Powell: Northern area including the City of Helwille), Ravalli and Sanders (South portion, in- cluding the City of Paradise) Counties				
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland and Yellowstone Counties	.50	.35		
Gallatin, Park and Sweetgrass Cos. Carter,uster, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	.40 .35	.25		
				.75

COUNTY MANSIONS: (Cont'd)	Basic Monthly Rates	Fringe Benefits Payments		
		H & W	Features	Vacation
Beaverhead, Deer Lodge, Granite (Southern half), Jefferson (Southern area including Town of Wickes), Madison, Powell (South portion including the Town of Deer Lodge) and Silver Bow Cos.	\$7.95	.40	.25	
Broadwater, Jefferson (Area north of a line running E-W established south of the Town of Wickes and north of the Town of Basin), Lewis and Clark and Meagher Counties	6.22			
Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton and Toole Counties	7.35	.40		
ELECTRICIANS:				
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	9.15	.35	13 ⁸ .25	1/22
Callahan County	8.55	.30	12	1/22
Broadwater, Lewis and Clark and Meagher Counties	8.23	.42	13 ⁸ .25	1/22
Blaine, Hill, Liberty and Phillips Counties	8.85		12	1/22
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties	9.38		12 ⁸ .25	1/22
Electricians	9.63	.42	12 ⁸ .25	1/22
Cable Splicers				
Beaverhead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	8.68	.42	12	1/22
Electricians	9.18	.42	12	1/22
Cable Splicers				
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties	9.32	.30	12 ⁸ .25	1/22
Electricians	9.77	.30	12 ⁸ .25	1/22
Cable Splicers				

DECISION NO. MT75-5125

Basic Monthly Dues	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$9.15	.40	.30		
7.45				
7.02	.25	.10		
9.80	.25	.10		
7.63	.25	.20		
7.88	.25	.20		
8.61	.25	.20		

MARBLE MASONS: (Cont'd)
 Cascade, Chouteau, Glacier,
 Pondera and Teton Counties
 Blaine, Daniels, Hill, Liberty,
 Phillips, Roosevelt, Sheridan,
 Toole and Valley Counties
 PAINTERS:
 Beaverhead, Jefferson (Southern
 area, south of the City of
 Boulder), Madison (west of a line
 running north-south through the
 west limits of Harrison and
 Silver Bow Counties
 Brush
 Spray
 Big Horn, Carbon, Carter, Custer,
 Dawson, Fallon, Golden Valley,
 Musselshell, Powder River,
 Prairie, Rosebud, Stillwater,
 Sweetgrass, Treasure, Wheatland
 (south of the City of Harlow-
 town), Wibaux and Yellowstone
 Counties
 Counties
 Steel
 Spray
 Cascade, Chouteau (south of a
 line running East and West
 through the Southern limits of
 Big Sandy), Daniels, Fergus,
 Glacier (excluding Glacier
 National Park), Garfield, Judith-
 Basin, Lewis and Clark, (Northern
 portion from a line running East
 and West through the northern
 limits of Craig), McCone,
 Phillips, Pondera, Petroleum,
 Richland, Roosevelt, Sheridan,
 Teton, Toole, Valley and
 Wheatland (northern area from a
 line running East and West thru
 the southern limits of
 Harlowtown) Counties

DECISION NO. MT75-5125

Basic Monthly Dues	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$6.75	.20	.12		1/72
7.75	.20	.12		1/72
8.30	.30	.12		1/72
7.65	.20	.12		1/72
7.64	.12	.12		1/72
8.04	.445	.29	354a	.02
707.18	.445	.29	354a	.02
507.18				
9.36	.55	.85		.05
10.15	.58	1.00		.05
9.36	.55	.85		.05
8.50	.40	.25		
9.50		.35		.02
7.10				
6.85	.30			

ELECTRICIANS: (Cont'd)
 Fergus, Petroleum and Wheatland
 Counties
 (Electrical contracts less than
 \$20,000)
 (Electrical contracts \$20,000
 or more)
 Park and Sweetgrass Counties
 Carter, Daniels, Dawson, Fallon,
 McCone, Prairie, Richland,
 Roosevelt, Sheridan, Valley and
 Wibaux Counties
 Custer and Garfield Counties
 ELEVATOR CONSTRUCTORS' HELPFERS
 ELEVATOR CONSTRUCTORS' HELPFERS
 (FRCB.)
 TROWBRIDGE:
 Beaverhead, Broadwater, Deer
 Lodge, Gallatin, Granite,
 Jefferson, Lewis and Clark,
 (Southern half including Wolf
 Creek), Madison, Park, Powell,
 Ravalli, and Silver Bow Counties
 Flathead, Glacier, Lake, Lincoln,
 Mineral, Missoula and Sanders
 Counties
 Remaining Counties (including
 Northern half of Lewis and Clark
 County)
 MARBLE MASONS:
 Flathead, Lake, Lincoln, Mineral,
 Missoula, Ravalli and Sanders
 Counties
 Big Horn, Carbon, Carter, Custer,
 Dawson, Fallon, McCone, Powder
 River, Prairie, Richland,
 Rosebud, Stillwater, Sweetgrass,
 Treasure, Wibaux and Yellowstone
 Counties
 Gallatin and Park Counties
 Broadwater, Lewis and Clark,
 Meagher and Jefferson (Northern
 area) Counties

DECISION NO. MT75-5125

Basic Heavy Taxes	Fringe Benefits Payments			App. Tr.
	H & W	Provision	Vacation	
PAINTERS: (Cont'd)				
Flathead, Granite (Northern area north limits of Phillipsburg), Lake (Southern area including City of Roman), Lincoln, Mineral, Missoula, Powell (Northern area through south limits of Helmsville), Ravalli and Sanders Counties	.34	.30		.04
PLASTERERS:				
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties	.40			
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	5.75			
Gallatin, Park and Sweetgrass Counties	6.50	.25		
Granite, Lake (Southern area, including the City of Pablo), Mineral, Missoula, Powell (Northern area including the City of Helmsville), Ravalli and Sanders (south portion, including the City of Paradise) Counties	.40	.25		
Beverhead, Deer Lodge, Jefferson (Southern area, including the Town of Wickes), Madison, Powell (South of a line running E-W north of the Town of Deer Lodge) and Silver Bow Counties	.40	.25		
Flathead, Glacier, Lake (Northern area, including the City of Roman), Lincoln and Sanders (north of the City of Plains) Counties	6.45	.20		
PLUMBERS:				
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	9.68	.35		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Cos.	9.10	.40	.70	11

DECISION NO. MT75-5125

Basic Heavy Taxes	Fringe Benefits Payments			App. Tr.
	H & W	Provision	Vacation	
PAINTERS:				
Painters, brush, preparatory work; Pot tender; Rollers not over 9" for wire mesh, Louvers, Peg boards behind radiators and perforated tile only; Parking lot stripping and related work Paperhangers; Rollers up to 9" long and brush cutting in ahead or roller	.34	.30		
Perforator	.34	.30		
Brush on steel	.34	.30		
Water and Sandblasting: Application of cold tar products (including epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	.34	.30		
Roller over 9" long	.34	.30		
Broadwater, Gallatin, Jefferson, (Northern area from a line running East and West five miles south of the Southern City limits of Boulder), Lewis and Clark (Southern portion from a line running East and West through the Southern limits of Craig), Madison (East of the West City limits of Harrison), Meagher, Park, Powell (Northern area from a line running East and West through the Southern City limits of Helmsville)				
Brush	.25	.20		.03
Spray; Steel brush	.25	.20		.03
Structural steel brush	.25	.20		.03
Steel spray	.25	.20		.03
Structural steel spray	.25	.20		.03
Blaine, Hill, Liberty and Chouteau (north of the Southern limits of the City of Big Sandy) Counties	6.79			

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
9.65 PLUMBERS: (Cont'd) Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties ROOFERS: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, Lewis and Clark, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole and Valley Counties Beaverhead, Deer Lodge, Jefferson, Madison, Powell and Silver Bow Counties 6.91 Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties 6.10 Broadwater, Gallatin, Meagher, Park, Sweetgrass and Wheatland Counties 6.94 SHEET METAL WORKERS: Broadwater, Jefferson (including North 1/4 of the City of Boulder), Lewis and Clark and Meagher Cos.	.40	.55		.05
8.75	.40	.80		.10
7.29	.25			
6.91	.47	.35	.75	
6.10				
6.94	.425			
9.31	.37	.25		.04

DECISION NO. MT75-5125

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$9.38 SHEET METAL WORKERS: (Cont'd) Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties 7.95 Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties 9.08 Beaverhead, Deer Lodge, Granite, Jefferson (5%), Madison, Powell, and Silver Bow Counties 8.40 SPRINKLER FITTERS 9.10 TERRAZZO WORKERS & TILE SETTERS: Broadwater, Lewis and Clark, Meagher and Jefferson (Northern area north of Boulder Hill) Cos. 8.15 Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties 8.80 Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties 8.50 Gallatin and Park Counties 7.75 Cascade, Chouteau, Glacier, Pondera and Teton Counties 7.50	.37	.20		.07
7.95	.37	.20		.04
9.08	.37	.25		.07
8.40	.37	.40	.75	.02
9.10	.50	.80		.08
8.15	.30			
8.80		.25		.02
8.50	.40	.25		
7.75				
7.50	.40	.30		

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

X-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. MT75-5125

LABORERS (Cont'd)

Broadwater (Southern portion including the City of Tostem), Gallatin, Park, Sweetgrass and Wheatland Counties

Group 1
Group 2
Flathead, Glacier National Park, Lincoln and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel

Group 1
Group 2
Group 3
Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties

Group 1
Group 2
Group 3
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1
Group 2
Group 3
Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties

Group 1
Group 2
Group 3

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	N & W	Pensions	Vacation	
\$6.19	.47	.37	.75	.03
6.26	.47	.37	.75	.03
6.27	.47	.37	.75	.03
6.28	.47	.37	.75	.03
6.29	.47	.37	.75	.03
6.31	.47	.37	.75	.03
6.33	.47	.37	.75	.03
6.36	.47	.37	.75	.03
6.37	.47	.37	.75	.03
6.41	.47	.37	.75	.03
6.44	.47	.37	.75	.03
6.46	.47	.37	.75	.03
6.47	.47	.37	.75	.03
6.54	.47	.37	.75	.03
6.57	.47	.37	.75	.03
6.59	.47	.37	.75	.03
6.69	.47	.37	.75	.03
6.79	.47	.37	.75	.03
6.44	.47	.37	.75	.03
6.43	.47	.37	.75	.03
6.31	.47	.37	.75	.03
Broadwater (Northern area), Lewis and Clark, Maagher, Powell (that portion lying east of a N-S line at the west edge of the Town of Elliston) Counties				
5.20	.37	.27	.10	.03
5.355	.37	.27	.10	.03
5.455	.37	.27	.10	.03
5.55	.37	.27	.10	.03

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LABORERS

Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties

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LABORERS

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LABORERS (Cont'd)

Cascade, Chouteau, Fergus, Glacier
(Excluding Glacier National Park),
Judith Basin, Pondera, Teton and
Toole Counties

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7

Blaine, Daniels, Garfield, Hill,
Liberty, McCone, Petroleum,
Phillips, Richland, Roosevelt,
Sheridan and Valley Counties

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6

Basic Hourly Rate	Fringe Benefits Payments			App. Th.
	H & V	Positions	Vacation	
\$6.94	.47	.37		.03
7.19	.47	.37		.03
7.29	.47	.37		.03
7.34	.47	.37		.03
7.44	.47	.37		.03
7.69	.47	.37		.03
7.54	.47	.37		.03
5.97	.425	.315		.03
6.07	.425	.315		.03
6.22	.425	.315		.03
6.37	.425	.315		.03
6.47	.425	.315		.03
6.72	.425	.315		.03

Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion)
and Silver Bow Counties

Group 1: General Laborer; Axman; Carpenter Tender; Car and Truck Loaders,
Scissorsman; Chuck Tender and Nipper (above ground); Consoles, applying and
removing; Fence Erector and Installer; Including the installation and erection
of fences, guard rails, median rails, reference posts, guide posts and right-
of-way markers; Form Stripper; Form Setter; Landscape Laborer; Nozzlemans -
air and water; gunnite and place machine; Pilot Car; Riprap Helper; Scale-
man; Sod Cutter (hand operated) (General Laborer); Stake Jumper for equip-
ment; Tool Checker; Toolhouseman

Group 2: Riprigger; Sandblaster; Sandblaster Tailhouseman; Pot Tender

Group 3: Hand Feller

Group 4: Post Hole Digger (power Auger)

Group 5: Concrete or asphalt saws; Tar Pot Operator

Group 6: Powderman Helper

Group 7: Caisson Workers (free air); Choker Setter; Spike Driver, single or
dual or hand

Group 8: Drills, Air-tract, self-propelled car or truck mount air operated
drills; Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tamper,
Vibrating Roller hand steered and other power tools; Pipe Wrapper, Power
Saw (backing)

Group 9: Asphalt Baker; Dumpman (graderman)

Group 10: High Pressure Machine Nozzlemans

Group 11: Pipelayer (all types); Cutting Torch Operator

Group 12: Powderman

Group 13: Grade Setter

Group 14: High Scaler

Group 15: Dumpman (spotter)

Group 16: Power Saw (falling)

Group 17: Rigger

Group 18: Core Drill Operator

LABORERS (Cont'd)

Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties

Group 19: Concrete Worker, wet or dry; Tending Masons when pouring and finishing concrete

Group 20: Vibrator Operator; Tending Stonemasons, Marble Setters, Tile Setters, Stagiola and Terrazzo Workers; Tending brick masons or brick or stone work; Tending Plasterers or stuccoing or plastering; (This does not include ribbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete Conveyor Swinger Operator

Group 21: Power Driven Concrete Baggies

LABORERS

Broadwater (Northern area), Lewis & Clark, Meagher, Powell (that portion lying east of a N-S line at the west edge of the Town of Elliston) Counties

Group 1: General laborer; Car and truck loader; Concrete handler; Form stripper; Fence erector and installer

Group 2: Concrete buggy; Vibrator; Jackhammer; Wagon drillers; Barco tamper; Pavement breaker; Powderman helper

Group 3: All power tools; Rodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders

Group 4: Mortar mixer; Powderman

Broadwater (Southern portion incl. the City of Toiyote), Gallatin, Park, Sweetgrass and Wheatland Counties

Group 1: Common laborers

Group 2: Semi-skilled; Rod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter

Flathead, Glacier National Park, Lincoln, and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel

Group 1: General laborers; scaleman; form strippers; car and truck loaders

Group 2: Concrete handlers, conveying and handling concrete, Nozzleman (air or water); Sand blast tail hose man; Powderman helper; Power driven wheelbarrow; Rodder and Spreader; Form setters (gaving); Bucktman; Small air tool operators, including blow pipes and small power tool operators; Check tenders; Asphalt rakers, Dumpmen; Rip rapping; Pipe wrapper; Pot tender; Concrete pumper hoseman; Jackhammer; Pavement breaker; Vibrator; mechanical tamper and other air tools; Cement handlers (sack or bulk); Burning bar

Group 3: Pipe layers (non-metallic); Metal culvert pipe layers; Mason and Plaster tenders; Cement finisher tender; Small concrete mixer operator; Shoring and lagging open ditches; Powderman; Drills, Air-Trac, wagon drill, cat or truck mounted air operated drills; Sand Blaster (wet or dry); gunite nozzlemen; barco tamper

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LABORERS

Cascade, Chouteau, Fergus, Glacier (excluding Glacier National Park), Judith Basin, Powder, Teton and Toole Counties

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dump-man (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrails, medium rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workers (Free Air); Vibrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws; Creosote Material Handler; Carb Machine Form Setter (Slab Seal Form); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc.; Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Placo. Machine (Grout); Pipe Layer (all types); Power Saw (backing and falling); Power Driven Wheelbarrow; Chuck Tenders, Muckers and Nippers, Fireman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grades); Small Concrete Mixers

Group 5: Diamond Drills up through 6 inches in diameter; Rod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Baker and Tamper; High Scales; Powderman Helper; Concrete Nozzlemen; Miners; Barco Tamper; Air-Trac

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

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LABORERS (Cont'd)

Carter, Carter, Dawson, Fallon, Powder River, Prairie and Wibaux Counties

Group 1: General laborers

Group 2: Jackhammer operator; Mechanical tampers; Pipelayers (all types); Pavement breakers; Pneumatic and electric tools operator; Pipevappers

Group 3: Mason and plasterer's tenders

Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1: General laborers; Concrete laborers; Chuck tenders and nippers

Group 2: Cement handler (sack or bulk); Jackhammer operator; Mortarman; Pipelayer (all types); Pipevapper; Primerhouseman

Group 3: Mason and plasterer's tenders

Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties

Group 1: Laborers

Group 2: All power tools, creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipevappers; Pot tenders; Small concrete mixers; Vibrators

Group 3: Cement mason and plasterer's tenders; Mason tenders; Pumpcrete, Gunite and plaster pump

DECISION NO. MT75-5125

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
POWER EQUIPMENT OPERATORS (Cont'd)				
Hot Plant Oiler, 100 ton per hour or over	.50	.45	.15	.03
Hydra lift and similar types	.50	.45	.15	.03
Industrial Locomotive all classes	.50	.45	.15	.03
Mechanic and/or Welder on job	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	.50	.45	.15	.03
Mixer	.50	.45	.15	.03
Mixer-Mobile	.50	.45	.15	.03
Motor Patrol	.50	.45	.15	.03
Mountain Logger or similar type	.50	.45	.15	.03
Mocking Machine	.50	.45	.15	.03
Oiler-Driver, Rubber Tired Cranes	.50	.45	.15	.03
Oilers, other than shovels and cranes	.50	.45	.15	.03
Oiler, hoist house, dams	.50	.45	.15	.03
Pavement Breaker, Emco and similar	.50	.45	.15	.03
Paving and Mixing Machine	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	.50	.45	.15	.03
Power Mixer, single or double drum	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	.50	.45	.15	.03
Pumpcrete or Groat Machine	.50	.45	.15	.03
Pumpjack	.50	.45	.15	.03
Push Tractor	.50	.45	.15	.03
Quad Cat	.50	.45	.15	.03
Quad Loader and similar types	.50	.45	.15	.03
Radiator Repairman	.50	.45	.15	.03
Refrigeration Plant	.50	.45	.15	.03
Retort	.50	.45	.15	.03
Roller, on blade or hot mix oil paving	.50	.45	.15	.03
Roller, on other blade or hot mix paving	.50	.45	.15	.03
Roller, 25 ton or over	.50	.45	.15	.03
Road and similar type carriers, on construction site	.50	.45	.15	.03
Rubber-tired Doser	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and including 3 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and including 5 yds.	.50	.45	.15	.03

DECISION NO. MT75-5125

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
POWER EQUIPMENT OPERATORS (Cont'd)				
Concrete Power Saw, self-propelled	.50	.45	.15	.03
Concrete Travel Batcher	.50	.45	.15	.03
Conveyor Loader, up to and incl. 42" belt	.50	.45	.15	.03
Conveyor Loader, over 42 inch belt	.50	.45	.15	.03
Crane, to and including 80' boom with jib	.50	.45	.15	.03
Crane, 81' to 130' boom	.50	.45	.15	.03
Crane, 131' to 150' boom	.50	.45	.15	.03
Crane, 151' boom and over	.50	.45	.15	.03
Crane Oiler	.50	.45	.15	.03
Crusher	.50	.45	.15	.03
Crusher Oiler and Helper	.50	.45	.15	.03
Crusher Conveyor, when required	.50	.45	.15	.03
Distributor	.50	.45	.15	.03
EW 10, 15, or 20 Tractor pulling roller	.50	.45	.15	.03
Electric Overhead Cranes	.50	.45	.15	.03
Elevating Grader	.50	.45	.15	.03
Farm Type Tractor, up to and including 50 HP Engine	.50	.45	.15	.03
Farm Type Tractor, over 50 HP	.50	.45	.15	.03
Engine	.50	.45	.15	.03
Field Equipment Serviceman	.50	.45	.15	.03
Field Equipment Serviceman Helper	.50	.45	.15	.03
Fireman	.50	.45	.15	.03
Forklift, on construction job site	.50	.45	.15	.03
Form Grader	.50	.45	.15	.03
Gradall	.50	.45	.15	.03
Grade Setter	.50	.45	.15	.03
Heavy Duty Drill, all types	.50	.45	.15	.03
Heavy Duty Driller Helper	.50	.45	.15	.03
Herman-Nelson Heaters and similar type	.50	.45	.15	.03
Hoist, single drum	.50	.45	.15	.03
Hoist, two or more drums	.50	.45	.15	.03
Helicopter Hoist	.50	.45	.15	.03
Hot Plant	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	.50	.45	.15	.03

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.66	.50	.45	.15	.03
9.19	.50	.45	.15	.03
8.55	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.15	.50	.45	.15	.03
8.86	.50	.45	.15	.03

POWER EQUIPMENT OPERATORS (Cont'd)

Wagner Roller and similar type
Whitely Crane
Whitely Crane Oiler
Water Pail when used for
compaction
Washing and Screening Plant
Washing and Screening Plant Oiler
To-To Cat, both ends

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.88	.50	.45	.15	.03
8.98	.50	.45	.15	.03
9.08	.50	.45	.15	.03
8.66	.50	.45	.15	.03
9.04	.50	.45	.15	.03
8.79	.50	.45	.15	.03
8.89	.50	.45	.15	.03
9.15	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.84	.50	.45	.15	.03
9.11	.50	.45	.15	.03
9.24	.50	.45	.15	.03
8.15	.50	.45	.15	.03
8.56	.50	.45	.15	.03
8.79	.50	.45	.15	.03
9.11	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.89	.50	.45	.15	.03
8.99	.50	.45	.15	.03
9.09	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.84	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03

POWER EQUIPMENT OPERATORS (Cont'd)

Rubber-tired Front End Loader, over 5 yds. to and including 10 yds.
Rubber-tired Front End Loader, over 10 yds. to and including 15 yds.
Rubber-tired Front End Loader, over 15 yds.
Scraper, 15, 20, 21 and similar type if power unit is not used
Scraper, single or twin engine pulling belly dump trailer
Scraper, single engine
Scraper, twin engine
Scraper, tandem or 3 engined
Self-propelled Sheepsfoot and similar type
Shovels, including all attachments, under 1 cu. yd.
Shovels, including all attachments, 1 cu. yd. to and incl. 3 cu. yds.
Shovels, including all attachments, over 3 cu. yds. to and incl. 5 cu. yds.
Shovels, including all attachments, over 5 cu. yds.
Shovel Oiler, 3 yds. and under
Shovel Oiler, over 3 cu. yds.
Slip Form Paver
Stiff Leg Derrick and Cuy Derrick to and including 5 cu. yds.
Track-type Front End Loaders, over 5 cu. yds. to and incl. 10 cu. yds.
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.
Track-type Front End Loaders, over 15 cu. yds.
Track-type Tractor with or without attachments
Track-type Tractor, on Euclid Loader
Trenching Machine
Turnhead Conveyor, or Head Tower on Batch Plant

DECISION NO. MT75-5125

Basic Monthly Rates	Rimge Benefits Payments			App. Tr.
	M & W	Pension	Vacation	
POWER EQUIPMENT OPERATORS (Cont.)				
CRANE, ELECTRIC OVERHEAD, All; Shovels, including all attachments, 1 yard to and including 3 yards; Track-type Tractor on Euclid Loader	.45	.45		.13
HOIST, TWO OR MORE DRUMS; Motor Patrol; Boss and similar type carriers on construction site	.45	.45		.13
AUTOMATIC FINISHER, Curries and other types; Paver; Silt Form; Paving and Mixing Machine; Roller 25 tons or over; Rubber-tired Front-end Loader, over 3 yards to and including 5 yards; Scraper, single	.45	.45		.13
MIXERMOBILE	.45	.45		.13
BORING MACHINE; Jeep, Pickup or Farm Tractor mounted; Boring Machine, large; Power Auger large truck or tractor, mounted and punch	.45	.45		.13

DECISION NO. MT75-5125

Basic Monthly Rates	Rimge Benefits Payments			App. Tr.
	M & W	Pension	Vacation	
POWER EQUIPMENT OPERATORS Blaine, Cascade, Chouteau, Glacier (excluding Glacier National Park), Hill, Liberty, Phillips, Sanders, Teton and Toole Counties				
SHOVELS, including all attachments, over 5 yds.; Stiff-leg Derrick and Cuy Derrick; Cableway Highline; Helicopter Hoist; Tower Crane; Whirley Crane	.45	.45		.13
SCRAPER, Tandem engine; Shovels, including all attachments, over 3 yards to and including 5 yards	.45	.45		.13
RUBBER-TIRED FRONT-END LOADERS, over 15 yards; Track-type Front-end Loaders, over 15 cu. yds.	.45	.45		.13
RUBBER-TIRED FRONT-END LOADERS, 10 yards to and including 15 yards; Track-type Front-end Loaders, 10 cu. yds. to and including 15 cu. yds.; Concrete Conveyor; Crane, to and including 80' boom with jib	.45	.45		.13
QUAD CAT	.45	.45		.13
CENTRAL MIXING PLANT, concrete and stationary	.45	.45		.13
RUBBER-TIRED FRONT-END LOADERS, over 5 yards to and including 10 yards; Scraper, twin engine; Track-type Front-end Loaders, over 5 cu. yds. to and including 10 cu. yds.; Scraper single or twin engine, pulling Belly Dump Trailer	.45	.45		.13

DECISION NO. MT75-5125

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Retireme	Vacation	
FIELD EQUIPMENT SERVICEMAN; Hydraulic lift and similar type; Oilier, Hoist-house Dams; Shovels, Oiler, over 3 yards; Winch Truck with boom	\$6.92	.45			.13
CONCRETE MIXER, 4 bags and over	6.89	.45			.13
HOIST, Single Drum	6.81	.45			.13
A-FRAME TRUCK CRANE, Winch Truck and similar	6.80	.45			.13
CEMENT SILO; Form Grader	6.79	.45			.13
HYDRO TAMPER	6.77	.45			.13
CHAIN BUCKET; Chip or Gravel Spreader, self-propelled; Conveyor Loader, over 42' belt	6.72	.45			.13
AIR COMPRESSOR, tow or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired Front-end Loaders, under 1 yard	6.71	.45			.13
BROOM, self-propelled	6.67	.45			.13
CONCRETE MIXER, 3 bags and under; Fireman	6.61	.45			.13
CONVEYOR LOADER, up to and including 42" belt; Crusher Conveyor	6.60	.45			.13
RETORT OPERATOR	6.57	.45			.13

DECISION NO. MT75-5123

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Retireme	Vacation	
AIR DOCTOR; Asphalt Paving Machine; Asphalt Paving Machine Screed Operator; Bit Grinders; Bituminous Mixer Paving Travel Plant; Concrete Batch Plant Operator; Concrete Curing Machine; Concrete Finish Machine, paving; Concrete Float and Spreader; Concrete power Saw, self-propelled; Concrete Travel Batcher; Crushers; Disintegrator; Elevating Grader; Forklift on construction job site; Grapple; Heavy Duty Drills, all types; Hot Plant; Hot Plant Fireman, when in operation; Industrial Locomotive; Mountain Logger or similar type machine; Mocking Machine; Pavement Breaker, Emaco and similar; Power Mixer, single or double drum; Pumpcrete or Grout Machine; Refrigeration Plant; Roller, Steel and self-propelled rubber on blade or hot mix oil paving; Roller, Wagner and similar types; Rubber-tired Doser; Rubber-tired Front-end Loaders, 1 yard to and including 3 yards; Shovels, including all attachments, under 1 yard; Track-type Tractor, with or without attachments; Track-type Tractor with or without attachments including Track-type Front-end Loaders up to and including 5 cu. yds.; Trench Machine; Belt Finishing Machine; Concrete Batch Plant, 1 and 2 mixers; DW 10, 15, 20 Tractor pulling Roller; Power Saw self-propelled, multiple cut; Push Tractor; Scraper DW 15, 20, 21 and similar type if power unit is not used; Self-propelled Sheepfoot; Turnhead Conveyor, or Head Tower, on Batch Plant; Wagner Roller, Water Poll Operator	7.02	.45			.13

DECISION NO. MT75-5125

Basic Monthly Rates	Fringe Benefits Payments			App. To
	M & W	Pension	Vacation	
POWER EQUIPMENT OPERATORS Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Powell (Southern area) and Silver Bow Counties				
A-FRAME TRUCK CRANE	.45	.45		.13
AIR COMPRESSOR, single	.45	.45		.13
AIR COMPRESSOR, 2 or more; Belt Finishing; Conveyor Loader; over 42" belt; Roller, steel and self- propelled rubber on other than blade or hot-mix oil paving		.45		.13
AIR DOCTOR; asphalt Paving Machine, or Scream; Bit Grinder; Bit- uminous Mixer, Paver; Boring Machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete Batch Plant, 1 and 2 mixers; Concrete Bucket Discharge; Concrete Curing Machine; Concrete Finishing Ma- chine; paving; Concrete Float and Spreader; Concrete Power Saw, self-propelled; Concrete Travel Batcher; Grader and/or Screening Plant; Distributor; Elevating Grader; Grapple; Heavy Duty Rotary Drills (Quarry Master, Joy Drills and similar types); Hoist or Air Tagger, 2 or more drums; Hot Plant; Hot Plant Fireman (when in operation); Industrial Locomotive, all types; Loaders, rubber-tired, over 1 yard to and including 3 yards; Loaders, Track type up to and including 5 yards; Loaders, Tractor and A-frame; Loader and Hoe Combination, rubber-tired, Loader 1 yard and under, Hoe 1 yard and under;	.45			.13

DECISION NO. MT75-5125

Basic Monthly Rates	Fringe Benefits Payments			App. To
	M & W	Pension	Vacation	
POWER EQUIPMENT OPERATORS (Cont'd)				
MECHANIC AND/OR WELDER HELPER; Concrete Batch Plant Oiler; Crane Oiler; Farm type tractor, over 50HP engine; Hot Plant Oiler, 100 tons per hour and over; Oiler Driver, Rubber-tired Crane	.45	.45		.13
PUMPMAN	.45	.45		.13
AIR COMPRESSOR, Single; Concrete Batch Plant Oiler, up to and including 2 mixers	.45	.45		.13
SHOVEL, OILER, 3 yards and under	.45	.45		.13
CRUSHER OILER and HELPER; Farmtype Tractor, up to and including 50 HP engine; Field Equipment Service Helper; Grade Setter; Heavy Duty Drill Helper; Resters, Herman Malson and similar type; Oilers, other than shovels and cranes; Washer and Screening Plant Oiler	.45	.45		.13
CONCRETE BATCH PLANT, 3 and 4 Mixers	.45	.45		.13
CONCRETE BATCH PLANT, 5 mixers and over	.45	.45		.13
CONCRETE BATCH PLANT OILER, 3 mixers and over	.45	.45		.13
CONCRETE PUMP	.45	.45		.13
CRANE 81' to 130' boom	.45	.45		.13
CRANE 131' to 150' boom	.45	.45		.13
CRANE 151' Boom and over	.45	.45		.13
MECHANIC AND/OR WELDER	.45	.45		.13
WHIRLEY CRANE OILER	.45	.45		.13

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POWER EQUIPMENT OPERATORS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	N & W	Provision	Retiremen	
\$7.53	.45	.45		.13
6.81	.45	.45		.13
7.27	.45	.45		.13
6.74	.45	.45		.13
7.22	.45	.45		.13
7.42	.45	.45		.13
6.54	.45	.45		.13
6.85	.45	.45		.13
6.78	.45	.45		.13
6.60	.45	.45		.13
7.18	.45	.45		.13
7.33	.45	.45		.13
7.38	.45	.45		.13
7.43	.45	.45		.13
6.59	.45	.45		.13

CABLEWAY OPERATOR
CEMENT SILO
CENTRAL MIXING PLANTS, Concrete Dams and Stationary
CHAIN BUCKET LOADER; Chip-gravel Spreader self-propelled; DW 10, 15, 20 Tractor pulling Roller
CONCRETE BATCH PLANT OPERATOR, 3 and 4 mixers
CONCRETE BATCH PLANT OPERATOR, 5 mixers and over
CONCRETE BATCH PLANT OILER, up to and including 2 mixers
CONCRETE BATCH PLANT OILER, 3 mixers and over
CONCRETE MIXER OPERATOR, 4 bags and over
CONVEYOR LOADER, to and including 42" belt
CRANE, to and including 80' boom with jib
CRANE, 81' to 130' boom
CRANE, 131' to 150' boom
CRANE, 151' boom and over
CRANE OILER; Oiler Driver, Rubber-tired Cranes

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POWER EQUIPMENT OPERATORS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	N & W	Provision	Retiremen	
\$7.02	.45	.45		.13
7.15	.45	.45		.13
6.61	.45	.45		.13
6.69	.45	.45		.13

Mountain Logger or similar; Mocking Machine; Pavement Breaker, Basco and similar; Power Auger, large truck or tractor, mounted and punch; Power Mixer, single or double drum; Power Saw, self-propelled, multiple cut; Pump-crete or Grout Machine; Push Tractor; Refrigerator Plant; Roller, steel and self-propelled rubber on blade on hot-mix oil paving roller, 25 tons, working weight or over any type or make; Roller, Wagner and similar; Boss and similar type Carriers (on construction site); Scraper DW 10; Scraper, DW 15, 20, 21 and similar if power unit is not used; Self-propelled Sheepsfoot and similar; Shovels, including all attachments, under 1 yard; Trenching Machine; Turnhead Conveyor or Head Tower Operator on Batch Plant; Water Pail, when used for compaction; Washing and Screening Plant
AUTOMATIC FINISHER, Gutties and similar; Motor Patrol; Paving and Mixing Machine; Scraper, DW 15, 20, 21 and similar if power unit is used; Scraper, single engine; Slip Form Paver
BORING MACHINE; Concrete Mixer, 3 bags and under; Fireman; Heavy Duty Rotary Drill Helper; Retort Operator
BROOM OPERATOR, Self-propelled

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POWER EQUIPMENT OPERATORS (Cont'd)

FIELD EQUIPMENT SERVICE MAN

FORK LIFT (on construction site)

HOIST, OR AIR TUGGER, single drum;

Farm Grader

FULLER KENYON PUMP; Loaders

(Barber Green and similar)

HELICOPTER HOIST

LOADERS, RUBBER-TIRED, 1 yard

and under

LOADERS, RUBBER-TIRED, over 3

yards to and including 5 yards

LOADERS, RUBBER-TIRED, 5 yards to

and including 10 yards

LOADERS, RUBBER-TIRED, over 10

yards, to and including 15 yards

LOADERS, RUBBER-TIRED, over 15

yards (factory rating not to

include sideboards)

LOADERS, TRACK-TYPE, over 5 yards

to and including 10 yards,

Scraper, twin engine

LOADERS, TRACK-TYPE, over 10 yards

to and including 15 yards

LOADERS, TRACK-TYPE, over 15 yards

MECHANIC AND/OR WELDER, on job

MIXERMOBILE

PILEDRIVER (when shovel equipment

is not used)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
\$6.34	.45	.45		.13
6.83	.45	.45		.13
6.79	.45	.45		.13
6.67	.45	.45		.13
7.52	.45	.45		.13
6.73	.45	.45		.13
7.14	.45	.45		.13
7.24	.45	.45		.13
7.34	.45	.45		.13
7.44	.45	.45		.13
7.25	.45	.45		.13
7.35	.45	.45		.13
7.45	.45	.45		.13
7.09	.45	.45		.13
7.10	.45	.45		.13
6.67	.45	.45		.13

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POWER EQUIPMENT OPERATORS (Cont'd)

CRANE, Electric Overhead; Shovels,

including all attachments 1 yard

to and including 3 yards; Track

type Tractor, on Euclid Loader

(engine)

CRANE, TOWER; Scraper, Tandem or

(engine)

CRANE, WHEELED

CRANE, WHEELED OILER; Hydraulic

and similar; Oiler, Hoist-House,

Dane, Shovels Oiler, over 3 yards;

Winch Truck with boom

CRUSHER AND/OR SCREENING PLANT

HELPER, (if over 2 separate units)

Crusher Oiler; Field Equipment

Service Helper; Hot Plant Oiler,

100 tons per hour or over; Mech-

anic and/or welder helper on job;

Oilers, other than shovels and

cranes; Shovel Oiler, 3 yards and

under; Washing and Screening

Plant Oiler

CRUSHER CONVEYOR, when required;

Farm type Tractor, up to and

including 50 HP; Grade Setter

DRILLING MACHINE (does not include

Jackhammer, Wagon Drillers or

Vacatilities)

EUCLID LOADER and similar; Loader

and Hoe combination, Rubber-tired,

Loader 1 yard to and including 3

yards, Hoe over 1 yard

FARM TYPE TRACTOR, over 50 HP;

Heaters, Herman Nelson and

similar

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
\$7.20	.45	.45		.13
7.51	.45	.45		.13
7.55	.45	.45		.13
6.92	.45	.45		.13
6.51	.45	.45		.13
6.48	.45	.45		.13
6.93	.45	.45		.13
7.21	.45	.45		.13
6.56	.45	.45		.13

QUAD CAT

Basic Monthly Rates	Fringe Benefits Payments			App. To
	M & M	Premiums	Vacation	
\$7.32	.45	.45		.13
7.40	.45	.45		.13
7.47	.45	.45		.13
7.50	.45	.45		.13

DECISION NO.	POWER EQUIPMENT OPERATORS Broadcom, Daniels, Deacon, Pergus, Gallatin, Glacier National Park, Jud th-Basin, Lewis and Clark, Meagher, McCone, Park, Richland, Roosevelt, Sheridan, Valley, Wheatland and Wibaux Cos. A-Frame Truck Crane, Winch Truck and similar Air Compressor, single Air Compressor, two or more Air Doctor Asphalt Paving Machine Asphalt Paving Machine Spread Automatic Finegrade, Curries and other similar types Belt Finish Machine Bit Grinder Bituminous Mixer Paving, Travel Plant Boring Machine (small), jeep, pickup or farm tractor mounted Boring Machine (large) Broom, self-propelled Cableway Highline Cement Silo Central Mixing Plants, Concrete dam and stationary Chain Bucket Loader Chip or Gravel Spreader, self- propelled Concrete Batch Plant, one and two mixers Concrete Batch Plant, three and four mixers Concrete Batch Plant, five mixers and over Concrete Batch Plant Oilier, up to and including two mixers Concrete Batch Plant Oilier, three mixers and over Concrete bucket Dispatcher Concrete Curing Machine Concrete Finish Machine Concrete Float-Spreader Concrete Mixer, three bags and under Concrete Mixer, four bags and over	Frings Benefits Provisions				
		Basic Hourly Rate	M & W	Penalty	Vacation	App. To
RT/2-3125	\$8.55	.50	.45	.15	.03	
	8.24	.50	.45	.15	.03	
	8.41	.50	.45	.15	.03	
	8.71	.50	.45	.15	.03	
	8.71	.50	.45	.15	.03	
	8.84	.50	.45	.15	.03	
	8.41	.50	.45	.15	.03	
	8.71	.50	.45	.15	.03	
	8.71	.50	.45	.15	.03	
	8.84	.50	.45	.15	.03	
	8.30	.50	.45	.15	.03	
	8.71	.50	.45	.15	.03	
	8.18	.50	.45	.15	.03	
	9.22	.50	.45	.15	.03	
	8.50	.50	.45	.15	.03	
	8.96	.50	.45	.15	.03	
	8.43	.50	.45	.15	.03	
	8.43	.50	.45	.15	.03	
	8.71	.50	.45	.15	.03	
	8.91	.50	.45	.15	.03	
	9.11	.50	.45	.15	.03	
	8.23	.50	.45	.15	.03	
	8.54	.50	.45	.15	.03	
	8.71	.50	.45	.15	.03	
	8.71	.50	.45	.15	.03	
	8.71	.50	.45	.15	.03	
	8.71	.50	.45	.15	.03	
	8.30	.50	.45	.15	.03	
	8.47	.50	.45	.15	.03	

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POWER EQUIPMENT OPERATORS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	W & V	Pension	Vacation	
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yards	.50	.45	.15	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	.50	.45	.15	.03
Scraper, single or twin engine pulling Belly Dump Trailer	.50	.45	.15	.03
Scraper, single engine	.50	.45	.15	.03
Scraper, twin engine	.50	.45	.15	.03
Scraper, tandem engine	.50	.45	.15	.03
Self-propelled Sheepfoot and similar type	.50	.45	.15	.03
Shovels, including all attachments under 1 cu. yd.	.50	.45	.15	.03
Shovels, including all attachments 1 cu. yd. to and including 3 cu. yds.	.50	.45	.15	.03
Shovels, including all attachments over 3 cu. yds. to and including 5 cu. yds.	.50	.45	.15	.03
Shovels, including all attachments over 5 cu. yds.	.50	.45	.15	.03
Shovel Oiler, 3 yards and under	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	.50	.45	.15	.03
Slip Form Paver	.50	.45	.15	.03
Stiff Leg Derrick and Guy Derrick	.50	.45	.15	.03
Track-type Front End Loaders; up to and including 5 cu. yds.	.50	.45	.15	.03
Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	.50	.45	.15	.03
Track-type Tractor with or without attachments	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	W & V	Pension	Vacation	
Trenching Machine	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	.50	.45	.15	.03
Wagner Roller and similar type	.50	.45	.15	.03
Whitely Crane	.50	.45	.15	.03
Whitely Crane Oiler	.50	.45	.15	.03
Water Pull when used for compaction	.50	.45	.15	.03
Washing and Screening Plant	.50	.45	.15	.03
Washing and Screening Plant Oiler	.50	.45	.15	.03

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Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pensions	Vacation	
POWER EQUIPMENT OPERATORS (Cont'd)				
AIR COMPRESSOR, TWO OR MORE; Front-end loader, rubber-tired, under 1 yd.; Roller, grade or finish	.45	.45		.13
BELT FINISHING	.45	.45		.13
BORING MACHINE, small; Fireman; Mixer, concrete, 3 bags or under; Retort	.45	.45		.13
CABLEWAY	.45	.45		.13
CEMENT SILE	.45	.45		.13
CONCRETE BATCH PLANT; Crusher and/or screening plant stationary	.45	.45		.13
HELICOPTER HOIST	.45	.45		.13
CONVEYOR; Chip and gravel spreader	.45	.45		.13
CRANE OPERATORS: To and including 80' w/jibs 81' to 130' boom 131' to 150' boom 151' boom and over	.45	.45		.13
ELECTRIC OVERHEAD CRANE; Euclid loader and similar type; Shovels, including all attachments, 1 yd. to and including 4 yds.; Tournapull, SW 20, 11 and similar type scrapers	.45	.45		.13
CRANE OILER-DRIVER, rubber tired	.45	.45		.13
DRILLING MACHINE, does not include jackhammer, wagon drill, or water liner; Field equipment servicemen; Winch truck with hydraulic boom	.45	.45		.13
POCK LIFT, on Construction Site	.45	.45		.13

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Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pensions	Vacation	
POWER EQUIPMENT OPERATORS Big Horn, Carbon, Carter, Custer, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Rosebud, Stillwater, Sweetgrass, Treasure, Yellowstone				
ASPHALT PAVING MACHINE; Air Doctor Bit grader; Bituminous mixer; Bulldozer; Boring machine, large; Concrete finish machine, paving; Concrete float and spreader; Crusher and/or screening plant, portable; Distributor; Elevating grader; Front end loader, rubber-tired, 1 yd. and including 3 yds.; Heavy duty rotary drills; Quarry Master; Hoist, two or more drums; Hot plant fireman; Industrial locomotive; Mocking machine; Pave-ment breaker, Emco and similar type; Paver mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Roller, finish similar type carriers, on construction site; Roller, 25 tons or over; Screed; Shovel, incl. all attachments, under 1 yd.; Track-type tractor with or without attachments, incl. track-type loader, front-end up to and incl. 5 cu. yds.; Tractor, and Athey type loader; Wagner roller and similar type	.45	.45		.13
A-FRAME TRUCK CRANE; Hoist, single drum	.45	.45		.13
AIR COMPRESSOR, SINGLE; Crusher and/or screening plant baler, if over 2 units	.45	.45		.13

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POWER EQUIPMENT OPERATORS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Penalties	Vacation	
\$6.52	.45	.45		.13
7.51	.45	.45		.13
6.46	.45	.45		.13
7.51	.45	.45		.13
6.96	.45	.45		.13

PUMPMAN

SHOVELS, over 4 yds; Stiff leg, Goy derrick; Scrapper, Tandem 3 engine

TRACTOR, rubber-tired, (Industrial)

TOWER CRANE

TRENCHING MACHINE

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POWER EQUIPMENT OPERATORS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Penalties	Vacation	
\$7.15	.45	.45		.13
7.25	.45	.45		.13
7.35	.45	.45		.13
7.45	.45	.45		.13
6.48	.45	.45		.13
7.32	.45	.45		.13
6.66	.45	.45		.13
7.12	.45	.45		.13
6.47	.45	.45		.13
6.58	.45	.45		.13
6.83	.45	.45		.13
7.11	.45	.45		.13

FRONT-END LOADER, rubber-tired, over 3 yds. and including 5 yds.; LeTourneau, single and similar type; Motor patrol; Automatic firehydrant; and similar type

FRONT-END LOADERS, rubber-tired, over 5 yds. to and including 10 yds.; Scraper, twin-engine; Track-type front-end loaders, over 5 cu. yds. to and including 10 cu. yds.

FRONT-END LOADERS, rubber-tired, 10 yds. to and including 15 yds.; Track-type front-end loaders to and including 15 cu. yds.

FRONT-END LOADERS, rubber-tired, over 15 yds. (factory struck rating, not to include sideboards); Track-type front-end loaders, over 15 cu. yds.

GRADE SETTER; Herman Nelson beaters and similar type

LETOURNEAU, Tandem and similar type; Quad Cat

LOADER, BARREN GREEN and similar type

MECHANIC and/or Welder, on job site

MECHANIC and/or Welder, Helper; Heavy duty rotary drill helper; Oilier

MIXER, CONCRETE, 3 bags and under

MIXER, CONCRETE, 4 bags and over

MIXERMOBILE

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	Basic Hourly Rates	Fringe Benefits Payments		
		H & V	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd)				
Over 15 cu. yds. to and including 20 cu. yds.	\$7.90	.50	.40	
Over 20 cu. yds. to and including 25 cu. yds.	7.96	.50	.40	
Over 25 cu. yds. to and including 30 cu. yds.	8.02	.50	.40	
Over 30 cu. yds. to and including 35 cu. yds.	8.08	.50	.40	
Over 35 cu. yds. to and including 40 cu. yds.	8.14	.50	.40	
Over 40 cu. yds. to and including 45 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment	8.20	.50	.40	
Over 45 cu. yds. to and including 50 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment	8.26	.50	.40	
TRUCKERS				
Over 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 140, 145, 150, 155, 160, 165, 170, 175, 180, 185, 190, 195, 200, 205, 210, 215, 220, 225, 230, 235, 240, 245, 250, 255, 260, 265, 270, 275, 280, 285, 290, 295, 300, 305, 310, 315, 320, 325, 330, 335, 340, 345, 350, 355, 360, 365, 370, 375, 380, 385, 390, 395, 400, 405, 410, 415, 420, 425, 430, 435, 440, 445, 450, 455, 460, 465, 470, 475, 480, 485, 490, 495, 500, 505, 510, 515, 520, 525, 530, 535, 540, 545, 550, 555, 560, 565, 570, 575, 580, 585, 590, 595, 600, 605, 610, 615, 620, 625, 630, 635, 640, 645, 650, 655, 660, 665, 670, 675, 680, 685, 690, 695, 700, 705, 710, 715, 720, 725, 730, 735, 740, 745, 750, 755, 760, 765, 770, 775, 780, 785, 790, 795, 800, 805, 810, 815, 820, 825, 830, 835, 840, 845, 850, 855, 860, 865, 870, 875, 880, 885, 890, 895, 900, 905, 910, 915, 920, 925, 930, 935, 940, 945, 950, 955, 960, 965, 970, 975, 980, 985, 990, 995, 1000, 1005, 1010, 1015, 1020, 1025, 1030, 1035, 1040, 1045, 1050, 1055, 1060, 1065, 1070, 1075, 1080, 1085, 1090, 1095, 1100, 1105, 1110, 1115, 1120, 1125, 1130, 1135, 1140, 1145, 1150, 1155, 1160, 1165, 1170, 1175, 1180, 1185, 1190, 1195, 1200, 1205, 1210, 1215, 1220, 1225, 1230, 1235, 1240, 1245, 1250, 1255, 1260, 1265, 1270, 1275, 1280, 1285, 1290, 1295, 1300, 1305, 1310, 1315, 1320, 1325, 1330, 1335, 1340, 1345, 1350, 1355, 1360, 1365, 1370, 1375, 1380, 1385, 1390, 1395, 1400, 1405, 1410, 1415, 1420, 1425, 1430, 1435, 1440, 1445, 1450, 1455, 1460, 1465, 1470, 1475, 1480, 1485, 1490, 1495, 1500, 1505, 1510, 1515, 1520, 1525, 1530, 1535, 1540, 1545, 1550, 1555, 1560, 1565, 1570, 1575, 1580, 1585, 1590, 1595, 1600, 1605, 1610, 1615, 1620, 1625, 1630, 1635, 1640, 1645, 1650, 1655, 1660, 1665, 1670, 1675, 1680, 1685, 1690, 1695, 1700, 1705, 1710, 1715, 1720, 1725, 1730, 1735, 1740, 1745, 1750, 1755, 1760, 1765, 1770, 1775, 1780, 1785, 1790, 1795, 1800, 1805, 1810, 1815, 1820, 1825, 1830, 1835, 1840, 1845, 1850, 1855, 1860, 1865, 1870, 1875, 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1925, 1930, 1935, 1940, 1945, 1950, 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2005, 2010, 2015, 2020, 2025, 2030, 2035, 2040, 2045, 2050, 2055, 2060, 2065, 2070, 2075, 2080, 2085, 2090, 2095, 2100, 2105, 2110, 2115, 2120, 2125, 2130, 2135, 2140, 2145, 2150, 2155, 2160, 2165, 2170, 2175, 2180, 2185, 2190, 2195, 2200, 2205, 2210, 2215, 2220, 2225, 2230, 2235, 2240, 2245, 2250, 2255, 2260, 2265, 2270, 2275, 2280, 2285, 2290, 2295, 2300, 2305, 2310, 2315, 2320, 2325, 2330, 2335, 2340, 2345, 2350, 2355, 2360, 2365, 2370, 2375, 2380, 2385, 2390, 2395, 2400, 2405, 2410, 2415, 2420, 2425, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2465, 2470, 2475, 2480, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2525, 2530, 2535, 2540, 2545, 2550, 2555, 2560, 2565, 2570, 2575, 2580, 2585, 2590, 2595, 2600, 2605, 2610, 2615, 2620, 2625, 2630, 2635, 2640, 2645, 2650, 2655, 2660, 2665, 2670, 2675, 2680, 2685, 2690, 2695, 2700, 2705, 2710, 2715, 2720, 2725, 2730, 2735, 2740, 2745, 2750, 2755, 2760, 2765, 2770, 2775, 2780, 2785, 2790, 2795, 2800, 2805, 2810, 2815, 2820, 2825, 2830, 2835, 2840, 2845, 2850, 2855, 2860, 2865, 2870, 2875, 2880, 2885, 2890, 2895, 2900, 2905, 2910, 2915, 2920, 2925, 2930, 2935, 2940, 2945, 2950, 2955, 2960, 2965, 2970, 2975, 2980, 2985, 2990, 2995, 3000, 3005, 3010, 3015, 3020, 3025, 3030, 3035, 3040, 3045, 3050, 3055, 3060, 3065, 3070, 3075, 3080, 3085, 3090, 3095, 3100, 3105, 3110, 3115, 3120, 3125, 3130, 3135, 3140, 3145, 3150, 3155, 3160, 3165, 3170, 3175, 3180, 3185, 3190, 3195, 3200, 3205, 3210, 3215, 3220, 3225, 3230, 3235, 3240, 3245, 3250, 3255, 3260, 3265, 3270, 3275, 3280, 3285, 3290, 3295, 3300, 3305, 3310, 3315, 3320, 3325, 3330, 3335, 3340, 3345, 3350, 3355, 3360, 3365, 3370, 3375, 3380, 3385, 3390, 3395, 3400, 3405, 3410, 3415, 3420, 3425, 3430, 3435, 3440, 3445, 3450, 3455, 3460, 3465, 3470, 3475, 3480, 3485, 3490, 3495, 3500, 3505, 3510, 3515, 3520, 3525, 3530, 3535, 3540, 3545, 3550, 3555, 3560, 3565, 3570, 3575, 3580, 3585, 3590, 3595, 3600, 3605, 3610, 3615, 3620, 3625, 3630, 3635, 3640, 3645, 3650, 3655, 3660, 3665, 3670, 3675, 3680, 3685, 3690, 3695, 3700, 3705, 3710, 3715, 3720, 3725, 3730, 3735, 3740, 3745, 3750, 3755, 3760, 3765, 3770, 3775, 3780, 3785, 3790, 3795, 3800, 3805, 3810, 3815, 3820, 3825, 3830, 3835, 3840, 3845, 3850, 3855, 3860, 3865, 3870, 3875, 3880, 3885, 3890, 3895, 3900, 3905, 3910, 3915, 3920, 3925, 3930, 3935, 3940, 3945, 3950, 3955, 3960, 3965, 3970, 3975, 3980, 3985, 3990, 3995, 4000, 4005, 4010, 4015, 4020, 4025, 4030, 4035, 4040, 4045, 4050, 4055, 4060, 4065, 4070, 4075, 4080, 4085, 4090, 4095, 4100, 4105, 4110, 4115, 4120, 4125, 4130, 4135, 4140, 4145, 4150, 4155, 4160, 4165, 4170, 4175, 4180, 4185, 4190, 4195, 4200, 4205, 4210, 4215, 4220, 4225, 4230, 4235, 4240, 4245, 4250, 4255, 4260, 4265, 4270, 4275, 4280, 4285, 4290, 4295, 4300, 4305, 4310, 4315, 4320, 4325, 4330, 4335, 4340, 4345, 4350, 4355, 4360, 4365, 4370, 4375, 4380, 4385, 4390, 4395, 4400, 4405, 4410, 4415, 4420, 4425, 4430, 4435, 4440, 4445, 4450, 4455, 4460, 4465, 4470, 4475, 4480, 4485, 4490, 4495, 4500, 4505, 4510, 4515, 4520, 4525, 4530, 4535, 4540, 4545, 4550, 4555, 4560, 4565, 4570, 4575, 4580, 4585, 4590, 4595, 4600, 4605, 4610, 4615, 4620, 4625, 4630, 4635, 4640, 4645, 4650, 4655, 4660, 4665, 4670, 4675, 4680, 4685, 4690, 4695, 4700, 4705, 4710, 4715, 4720, 4725, 4730, 4735, 4740, 4745, 4750, 4755, 4760, 4765, 4770, 4775, 4780, 4785, 4790, 4795, 4800, 4805, 4810, 4815, 4820, 4825, 4830, 4835, 4840, 4845, 4850, 4855, 4860, 4865, 4870, 4875, 4880, 4885, 4890, 4895, 4900, 4905, 4910, 4915, 4920, 4925, 4930, 4935, 4940, 4945, 4950, 4955, 4960, 4965, 4970, 4975, 4980, 4985, 4990, 4995, 5000, 5005, 5010, 5015, 5020, 5025, 5030, 5035, 5040, 5045, 5050, 5055, 5060, 5065, 5070, 5075, 5080, 5085, 5090, 5095, 5100, 5105, 5110, 5115, 5120, 5125, 5130, 5135, 5140, 5145, 5150, 5155, 5160, 5165, 5170, 5175, 5180, 5185, 5190, 5195, 5200, 5205, 5210, 5215, 5220, 5225, 5230, 5235, 5240, 5245, 5250, 5255, 5260, 5265, 5270, 5275, 5280, 5285, 5290, 5295, 5300, 5305, 5310, 5315, 5320, 5325, 5330, 5335, 5340, 5345, 5350, 5355, 5360, 5365, 5370, 5375, 5380, 5385, 5390, 5395, 5400, 5405, 5410, 5415, 5420, 5425, 5430, 5435, 5440, 5445, 5450, 5455, 5460, 5465, 5470, 5475, 5480, 5485, 5490, 5495, 5500, 5505, 5510, 5515, 5520, 5525, 5530, 5535, 5540, 5545, 5550, 5555, 5560, 5565, 5570, 5575, 5580, 5585, 5590, 5595, 5600, 5605, 5610, 5615, 5620, 5625, 5630, 5635, 5640, 5645, 5650, 5655, 5660, 5665, 5670, 5675, 5680, 5685, 5690, 5695, 5700, 5705, 5710, 5715, 5720, 5725, 5730, 5735, 5740, 5745, 5750, 5755, 5760, 5765, 5770, 5775, 5780, 5785, 5790, 5795, 5800, 5805, 5810, 5815, 5820, 5825, 5830, 5835, 5840, 5845, 5850, 5855, 5860, 5865, 5870, 5875, 5880, 5885, 5890, 5895, 5900, 5905, 5910, 5915, 5920, 5925, 5930, 5935, 5940, 5945, 5950, 5955, 5960, 5965, 5970, 5975, 5980, 5985, 5990, 5995, 6000, 6005, 6010, 6015, 6020, 6025, 6030, 6035, 6040, 6045, 6050, 6055, 6060, 6065, 6070, 6075, 6080, 6085, 6090, 6095, 6100, 6105, 6110, 6115, 6120, 6125, 6130, 6135, 6140, 6145, 6150, 6155, 6160, 6165, 6170, 6175, 6180, 6185, 6190, 6195, 6200, 6205, 6210, 6215, 6220, 6225, 6230, 6235, 6240, 6245, 6250, 6255, 6260, 6265, 6270, 6275, 6280, 6285, 6290, 6295, 6300, 6305, 6310, 6315, 6320, 6325, 6330, 6335, 6340, 6345, 6350, 6355, 6360, 6365, 6370, 6375, 6380, 6385, 6390, 6395, 6400, 6405, 6410, 6415, 6420, 6425, 6430, 6435, 6440, 6445, 6450, 6455, 6460, 6465, 6470, 6475, 6480, 6485, 6490, 6495, 6500, 6505, 6510, 6515, 6520, 6525, 6530, 6535, 6540, 6545, 6550, 6555, 6560, 6565, 6570, 6575, 6580, 6585, 6590, 6595, 6600, 6605, 6610, 6615, 6620, 6625, 6630, 6635, 6640, 6645, 6650, 6655, 6660, 6665, 6670, 6675, 6680, 6685, 6690, 6695, 6700, 6705, 6710, 6715, 6720, 6725, 6730, 6735, 6740, 6745, 6750, 6755, 6760, 6765, 6770, 6775, 6780, 6785, 6790, 6795, 6800, 6805, 6810, 6815, 6820, 6825, 6830, 6835, 6840, 6845, 6850, 6855, 6860, 6865, 6870, 6875, 6880, 6885, 6890, 6895, 6900, 6905, 6910, 6915, 6920, 6925, 6930, 6935, 6940, 6945, 6950, 6955, 6960, 6965, 6970, 6975, 6980, 6985, 6990, 6995, 7000, 7005, 7010, 7015, 7020, 7025, 7030, 7035, 7040, 7045, 7050, 7055, 7060, 7065, 7070, 7075, 7080, 7085, 7090, 7095, 7100, 7105, 7110, 7115, 7120, 7125, 7130, 7135, 7140, 7145, 7150, 7155, 7160, 7165, 7170, 7175, 7180, 7185, 7190, 7195, 7200, 7205, 7210, 7215, 7220, 7225, 7230, 7235, 7240, 7245, 7250, 7255, 7260, 7265, 7270, 7275, 7280, 7285, 7290, 7295, 7300, 7305, 7310, 7315, 7320, 7325, 7330, 7335, 7340, 7345, 7350, 7355, 7360, 7365, 7370, 7375, 7380, 7385, 7390, 7395, 7400, 7405, 7410, 7415, 7420, 7425, 7430, 7435, 7440, 7445, 7450, 7455, 7460, 7465, 7470, 7475, 7480, 7485, 7490, 7495, 7500, 7505, 7510, 7515, 7520, 7525, 7530, 7535, 7540, 7545, 7550, 7555, 7560, 7565, 7570, 7575, 7580, 7585, 7590, 7595, 7600, 7605, 7610, 7615, 7620, 7625, 7630, 7635, 7640, 7645, 7650, 7655, 7660, 7665, 7670, 7675, 7680, 7685, 7690, 7695, 7700, 7705, 7710, 7715, 7720, 7725, 7730, 7735, 7740, 7745, 7750, 7755, 7760, 7765, 7770, 7775, 7780, 7785, 7790, 7795, 7800, 7805, 7810, 7815, 7820, 7825, 7830, 7835, 7840, 7845, 7850, 7855, 7860, 7865, 7870, 7875, 7880, 7885, 7890, 7895, 7900, 7905, 7910, 7915, 7920, 7925, 7930, 7935, 7940, 7945, 7950, 7955, 7960, 7965, 7970, 7975, 7980, 7985, 7990, 7995, 8000, 8005, 8010, 8015, 8020, 8025, 8030, 8035, 8040, 8045, 8050, 8055, 8060, 8065, 8070, 8075, 8080, 8085, 8090, 8095, 8100, 8105, 8110, 8115, 8120, 8125, 8130, 8135, 8140, 8145, 8150, 8155, 8160, 8165, 8170, 8175, 8180, 8185, 8190, 8195, 8200, 8205, 8210, 8215, 8220, 8225, 8230, 8235, 8240, 8245, 8250, 8255, 8260, 8265, 8270, 8275, 8280, 8285, 8290, 8295, 8300, 8305, 8310, 8315, 8320, 8325, 8330, 8335, 8340, 8345, 8350, 8355, 8360, 8365, 8370, 8375, 8380, 8385, 8390, 8395, 8400, 8405, 8410, 8415, 8420, 8425, 8430, 8435, 8440, 8445, 8450, 8455, 8460, 8465, 8470, 8475, 8480, 8485, 8490, 8495, 8500, 8505, 8510, 8515, 8520, 8525, 8530, 8535, 8540, 8545, 8550, 8555, 8560, 8565, 8570, 8575, 8580, 8585, 8590, 8595, 8600, 8605, 8610, 8615, 8620, 8625, 8630, 8635, 8640, 8645, 8650, 8655, 8660, 8665, 8670, 8675, 8680, 8685, 8690, 8695, 8700, 8705, 8710, 8715, 8720, 8725, 8730, 8735, 8740, 8745, 8750, 8755, 8760, 8765, 8770, 8775, 8780, 8785, 8790, 8795, 8800, 8805, 8810, 8815, 8820, 8825, 8830, 8835, 8840, 8845, 8850, 8855, 8860, 8865, 8870, 8875, 8880, 8885, 8890, 8895, 8900, 8905, 8910, 8915, 8920, 8925, 8930, 8935, 8940, 8945, 8950, 8955, 8960, 8965, 8970, 8975, 8980, 8985, 8990, 8995, 9000, 9005, 9010, 9015, 9020, 9025, 9030, 9035, 9040, 9045, 9050, 9055, 9060, 9065, 9070, 9075, 9080, 9085, 9090, 9095, 9100, 9105, 9110, 9115, 9120, 9125, 9130, 9135, 9140, 9145, 9150, 9155, 9160, 9165, 9170, 9175, 9180, 9185, 9190, 9195, 9200, 9205, 9210, 9215, 9220, 9225, 9230, 9235, 9240, 9245, 9250, 9255, 9260, 9265, 9270, 9275, 9280, 9285, 9290, 9295, 9300, 9305, 9310, 9315, 9320, 9325, 9330, 9335, 9340, 9345, 9350, 9355, 9360, 9365, 9370, 9375, 9380, 9385, 9390, 9395, 9400, 9405, 9410, 9415, 9420, 9425, 9430, 9435, 9440, 9445, 9450, 9455, 9460, 9465, 9470, 9475, 9480, 9485, 9490, 9495, 9500, 9505, 9510, 9515, 9520, 9525, 9530, 9535, 9540, 9545, 9550, 9555, 9560, 9565, 9570, 9575, 9580, 9585, 9590, 9595, 9600, 9605, 9610, 9615, 9620, 9625, 9630, 9635, 9640, 9645, 9650, 9655, 9660, 9665, 9670, 9675, 9680, 9685, 9690, 9695, 9700, 9705, 9710, 9715, 9720, 9725, 9730, 9735, 9740, 9745, 9750, 9755, 9760, 9765, 9770, 9775, 9780, 9785, 9790, 9795, 9800, 9805, 9810, 9815, 9820, 9825, 9830, 9835, 9840, 9845, 9850, 9855, 9860, 9865, 9870, 9875, 9880, 9885, 9890, 9895, 9900, 9905, 9910, 9915, 9920, 9925, 9930, 9935, 9940, 9945, 9950, 9955, 9960, 9965, 9970, 9975, 9980, 9985, 9990, 9995, 10000, 10005, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 100				

DECISION NO. WT75-5125

DECISION NO. RT/5-5135

TRUCK DRIVERS Statutides (except Callatin, Park, Sweetgrass, Broadwater; south of U.S. Highway #12) Counties	Fringe Benefits Payments				
	Basic Hourly Rate	H & V	Pensions	Vacation	App. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixers; To and including 4 cu. yds. Over 4 cu. yds. to and including 6 cu. yds. Over 6 cu. yds. to and including 8 cu. yds. Over 8 cu. yds. to and including 10 cu. yds. Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment	\$7.72 7.80 7.88 7.96	.50 .50 .50 .50	.40 .40 .40 .40		
DISTRIBUTOR DRIVER AND HELPER	7.65	.50	.40		
DRY BATCH TRUCKS: 3 Batch or under Over 3 Batch to and including 5 Batch Over 5 Batch to and including 10 Batch Over 10 Batch to and including 15 Batch Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment	7.47 7.60 7.76 7.92	.50 .50 .50 .50	.40 .40 .40 .40		
PICKUP DRIVER, HAULING MATERIALS DUMP, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers Warehousemen, Partmen, Cardex men, Warehouse Expediter	7.57 7.47 7.67	.50 .50 .50	.40 .40 .40		
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS 7 cu. yds. or less Over 7 cu. yds. to and including 10 cu. yds. Over 10 cu. yds. to and including 15 cu. yds.	7.47 7.60 7.76	.50 .50 .50	.40 .40 .40		

DECISION NO. MT75-3435

LINE CONSTRUCTION
(Flathead, Lake and Lincoln co.)

All construction of "m" fixtures and Steel Tower Transmission Lines with capacity of 69 K.W. voltages and over, switch yard and substation rated at 5000 K.V. A. and all work not covered by Schedule "g".

SCHEDULE "A"

Groundman "B"

Groundman "A" (experienced)

Powderman; Jackhammer-Compressor-

man

Line Equipment Operator

Lifeman

Cable Splicer

SCHEDULE "B"

All work for Power Utilities and E.E.A.'s except work covered under Schedule "A". all Highway Lighting, Street Lighting and Motor Traffic Controlling.

Groundman

Jackhammer-Compressorman;

Powderman

Line Equipment Operators

Linemen; Pole Sprayer

Tree Trimmer

Cable Splicer

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
\$7.47	.50	.40		
7.76	.50	.40		
7.96	.50	.40		
8.02	.50	.40		
8.10	.50	.40		
7.72	.50	.40		
8.21	.50	.40		
8.08	.50	.30		
6.12	.50	.30		
6.23	.50	.30		
6.33	.50	.30		
6.49	.50	.30		
6.63	.50	.30		

DECISION NO. MT75-3175

TRUCK DRIVERS: (Cont'd)

WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:

Over 2,500 gallons to and including 4,500 gallons

Over 4,500 gallons to and including 6,000 gallons

Over 6,000 gallons to and including 8,000 gallons

Over 8,000 gallons to and including 10,000 gallons

Over 10,000 gallons - additional \$.08 per hour each additional 2,000 gallons increment

TRUCK WITH POWER EQUIPMENT IF UNDER TEAMSTERS JURISDICTION, SUCH AS:

Winch, A-Frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing

TRUCK MECHANIC

Callatin, Park, Sweetgrass, Broadwater (South U.S. Hwy. #12), Counties

TRUCK DRIVERS:

Dump, 7 yds. or less; Pickup, hauling materials; Flat, less than 2 ton; Service and A-Frame trailers

House movers

Flat, 2 - 5 tons

Dump, over 7 yds. to and incl. 10 yds.; Flat, 5 - 8 tons; Semi and four wheel trailers

Dumps, over 10 yds. to and incl. 15 yds.

Dumps, over 15 yds. to and incl. 20 yds.

DECISION NO. MT75-5125

LINE CONSTRUCTION

(Remaining Counties)
(Jobs 69,000 volts or less)

Cable Splicer

Linemen

Line Equipment Operators;
PowdermenExperienced Groundmen (1,000 hrs.);
Truck Drivers

Groundmen

(Jobs over 69,000 volts) and/or
(projects of \$400,000 or over)

Cable Splicers

Line Equipment Operators;
Powdermen

Groundmen

	Basic Monthly Rates	Fringe Benefits Payments			App. To
		H & W	Pen. Inc.	Vacation	
Cable Splicer	\$7.73	.35	1%		3/4%
Linemen	6.97	.35	1%		3/4%
Line Equipment Operators; Powdermen	6.85	.35	1%		3/4%
Experienced Groundmen (1,000 hrs.); Truck Drivers	5.40	.35	1%		3/4%
Groundmen	4.79	.35	1%		3/4%
(Jobs over 69,000 volts) and/or (projects of \$400,000 or over)					
Cable Splicers	7.92	.35	1%		3/4%
Line Equipment Operators; Powdermen	6.99	.35	1%		3/4%
Groundmen	5.69	.35	1%		3/4%

COUNTIES: Cascade, Flathead, Glacier, Hill, Missoula, Sanders and Valley.

DECISION NUMBER: MT73-5126 DATE: Date of Publication
Supersedes Decision No. MT73-5091 Dated July 25, 1975, in 40 FR 31503
DESCRIPTION OF WORK: Residential Construction consisting of single family
homes and garden type apartments w/ town including 4 story.

DECISION NUMBER: MT75-5126

DATE: Date of Publication

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

Basic Monthly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
ASBESTOS WORKERS	\$ 10.80	.44	.90	.02
BOILERMAKERS	8.90	.70	1.00	
BRIQUETTES:				
Flathead, Missoula and Sanders Counties	8.50	.40	.35	
Cascade and Glacier Counties	9.15	.40	.30	
Hill and Valley Counties	8.45			
CARPENTERS:				
Hill County	6.36	.30	.45	.02
Carpenters				
Carpenters	6.65	.40	.55	.02
Piledriversmen	6.90	.40	.55	.02
Millwrights	7.15	.40	.55	.02
Cascade and Glacier Counties				
Carpenters	7.89	.40	.65	.02
Piledriversmen; Saw Filers; Somen				
Millwrights	8.14	.40	.65	.02
Flathead and Sanders (Northern area including the City of Thompson Falls) Counties	8.39	.40	.65	.02
Carpenters				
Somen; Filers; Piledrivers; Carpenters working burned, charred, creosoted or similarly treated material	7.51	.40	.65	.02
Millwrights & machine erectors	7.71	.40	.65	.02
Missoula and Sanders (remaining area) Counties	7.86	.40	.65	.02
Carpenters				
Piledrivers; Piledrivers; Power saw; Saw Filer	7.60	.40	.65	.02
CEMENT MASONS:				
Cascade, Hill and Valley Counties	7.85	.40	.65	.02
Glacier, Flathead and Sanders (Northern area, excluding the City of Plains) Counties	7.35	.40		
Sanders (remaining area) County	6.95	.37	.25	
Missoula County	7.60	.40	.35	
	8.0775	.50		

Basic Monthly Rates	# & %	Positions	Vacancies	App. To.
ELECTRICIANS:				
Cascade and Glacier Counties				
Electricians	9 9.38	134-25		1/22
Cable Splicers	9.53	134-25		1/22
Flathead, Missoula and Sanders Counties				
Electricians	8.68	12		1/22
Cable Splicers	9.18	12		1/22
Hill County				
Electricians	8.85	12		1/22
Valley County				
Electricians	8.25	12		1/22
ELEVATOR CONSTRUCTORS	8.04	29	32 + a	.02
ELEVATOR CONSTRUCTORS' HELPS	702JR	445	32 + a	.02
ELEVATOR CONSTRUCTORS' HELPS (PROB.)				
IRONWORKERS:				
Reinforcing: Ornamental; Structural				
Glacier, Flathead, Missoula and Sanders Counties	10.15	1.00		.05
Cascade, Hill and Valley Counties	9.36	.85		.05
MADELE MASONS:				
Flathead, Missoula and Sanders Counties	8.50	.40	.25	
Hill and Valley Counties	7.45			
Cascade and Glacier Counties	9.15	.40	.30	
PAINTERS:				
Sanders County				
Brush and Spray	7.85	.34	.30	.04
Cascade, Glacier and Valley Cos.				
Brush				
Papachanger	7.19	.34	.30	
Brush on steel	7.44	.34	.30	
Spraying; Sandblasting	7.69	.34	.30	
9.44	.34	.30		
PLASTERERS:				
Glacier, Flathead and Sanders (north of the City of Platts) Cos.	6.45	.20		
Missoula and Sanders (remaining area) Counties	8.3275	.50	.35	
Cascade and Hill Counties	7.95	.25		
LOBBERS:				
Cascade, Glacier, Hill and Valley Counties	9.10	.40	.70	12
Flathead, Missoula and Sanders Counties	9.68	.35	.55	.05

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pension	Vacation	
ROOFERS: Flathead, Missoula and Sanders Counties Cascade, Glacier, Hill and Valley Counties	\$ 6.10 7.85			
SHEET-METAL WORKERS: Flathead, Missoula and Sanders Counties Cascade, Glacier and Hill Counties Valley County	9.38 9.08 7.95 9.10	.37 .37 .37 .50	.20 .25 .20 .80	.07 .07 .04 .08
SPRINGLER FITTERS: TERRAZZO AND TILE SETTERS: Flathead, Missoula and Sanders Counties Cascade and Glacier Counties	8.50 7.50	.40 .40	.25 .30	
FOOTNOTE: a. Employer contributes 4% basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.				
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.				

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LABORERS (Cont'd)

Missoula and Sanders (Southern area) Counties

Group 1: Laborers

Group 2: All power tools, concrete workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators

Group 3: Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plasterer pump

Cascade and Glacier Counties

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (spotter) and Flagmen; Fence Erectors and Installers, including the installation and erection of fences, guardrails, medium rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workers (Free Air); Vibrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws; Concrete Material Handler; Curb Machine Form Setter (Slab Steel Forms); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc.; Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Placo, Machine (Grout); Pipe Layer (all types); Power Saw (backing and falling); Power Driven Wheelbarrow; Chuck Tenders, Nuckers and Nippers, Primeman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 5: Diamond Drills up through 6 inches in diameter; Rod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Baker and Temper; High Scaler; Powderman Helper; Concrete Nozzlemen; Mixers; Barco Tamper; Air-Trac

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

LABORERS

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Flathead and that area of Sanders County lying 5 miles north of the 5th Parallel

Group 1: General laborers; scaleman; form strippers; car and truck loaders

Group 2: Concrete handlers, conveying and handling concrete; Nozzlemen (air or water); Sand blast tail hose man; Powderman helper; Power driven wheelbarrow; Rodder and Spreader; Form setters (paving); Bucketsman; Small air tool operators, including blow pipes and small power tool operators; Chuck tenders; Asphalt takers; Dumpmen; Rip rapping; Pipe wrapper; Pot tender; Concrete pumpman; Jackhammer; Pavement breaker; Vibrator; Mechanical tamper and other air tools; Cement handlers (back or belt); Turning bar

Group 3: Pipe Layers (non-metallic); Metal culvert pipe layers; Mason and Plaster tenders; Cement finisher tender; Small concrete mixer operator; Shoring and lagging open ditches; Powderman; Drills, Air-Trac, wagon drill, cat or truck mounted air operated drills, Sand Blaster (wet or dry); Gunite nozzlemen; Barco tamper

Hall and Valley Counties

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power Tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, medium rails, reference posts, guide posts and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzlemen, Place Operator, Jackhammer, Pavement Breaker, Vibrator (2-1/2 inches and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzlemen (air and water); Sandblaster, Tailhoesman, Pot Tender, Tar Pot Tender; Gunite Nozzlemen; Caisson Workers (Free Air); Tunnels and Shafts (Free Air); Bull Gang, Pot Tender; Chuck Tender, Nuckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling bricks and blocks only)

Group 5: Rod Carriers and Plaster Tenders (men carrying motor either by hand pull or barrow); High Scaler, Wagon Driller, Cat or Truck mounted Air Operated Drills; Asphalt Bakers and Tampers, Gunite, Form Setter (slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Gradsman; Concrete Nozzlemen; Mixers

Group 6: Powderman; Laser Tools and Equipment

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Cascade, Glacier and Hill Counties

POWER EQUIPMENT OPERATORS

SHOVELS, incl. all attachments, over 5 yds.; Stiff-leg Derrick and Oxy Derrick; Cowlway highline; Helicopter hoist; Tower crane; Whirley crane

SCRAPER, tandem engine; Shovels, incl. all attachments, over 3 yds. to and incl. 5 yds.

RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.

RUBBER-TIRED FRONT-END LOADERS, 10 yds. to and incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to and incl. 15 cu. yds.; Concrete conveyor; Crane, to and incl. 80' boom with jib

QUAD CAT

CENTRAL MIXING PLANT, concrete and stationary

RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to and incl. 10 yds.; Scraper, twin engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.; Scraper single or twin engine, pulling belly dump trailer

CRANE, ELECTRIC OVERHEAD, All; Shovels, incl. all attachments, 1 yd. to and incl. 3 yds.; Track-type tractor on Euclid loader

HOIST, TWO OR MORE DRUMS; Motor patrol; Tows and similar type carriers on construction site

AUTOMATIC FINISHER, Grouters and other types; Paver; Slip form; Paving and mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 3 yds. to and incl. 5 yds.; Scraper, single

POWER EQUIPMENT OPERATOR (Cont'd)

MILWAUKEE

BORING MACHINE; Jet, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor mounted and punch

AIR DOCKER; Asphalt paving machine; Asphalt paving machine screed operator; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant operator; Concrete curing machine; Concrete finish machine, paving; Concrete float and screed; Concrete power saw, self-propelled; Concrete travel batcher; Grader; Distributor; Elevating grader; Forklift on construction job site; Grader; Heavy duty drills, all types, bit plant; Hot plant fireman, when in operation; Industrial locomotive; Mountain grader or similar type machine; Mocking machine; Paving breaker, Ramco and similar; Power mixer, single or double drum; Pumpcrete on grout machine; Refractor plant; Roller, steel and self-propelled rubber on blade or hot mix bit paving; Roller and similar types, rubber-tired; Rubber-tired front-end loaders, 1 yd. to and incl. 1 yds.; Shovels, incl. all attachments, under 1 yd.; Track-type tractor, with or without attachments; Track-type tractor with or without attachments; Incl. track-type front-end loaders 15 and incl. 5 cu. yds.; Trench machine; Trench finishing machine; Concrete batch plant, 1 and 2 mixers; BW 10, 15, 20 tractor pulling roller, Power saw self-propelled, multiple cut; Push tractor; Scraper, BW 15, 20, 21 and similar type if power unit is not used; Self-propelled sheepsfoot; Turnheat conveyor or hand tower, on batch plant; Wagner roller; Water pull operator

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates
	H & W	Vacation	App. Tr.	
\$ 7.11	.45	.45	.13	
7.05	.45	.45	.13	
7.02	.45	.45	.13	

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd)									
SHOVEL, OILER, 3 yds. and under	.45	.45		.13	\$ 6.51	.45	.45		.13
CRUSHER OILER AND HELPER; Farmtype tractor, up to and incl. 50 HP engine; Field equipment service helper; Grade setter; Heavy duty drill helper; Beaters, Herman Nelson and similar type; Oilers, other than shovels and cranes; Washer and screening plant oiler					6.48	.45	.45		.13
CONCRETE BATCH PLANT, 3 and 4 mixers	.45	.45		.13	7.22	.45	.45		.13
CONCRETE BATCH PLANT, 5 mixers and over	.45	.45		.13	7.42	.45	.45		.13
CONCRETE BATCH PLANT OILER, 3 mixers and over					6.83	.45	.45		.13
CONCRETE PONE					7.80	.45	.45		.13
CRANE 81' to 130' BOOM	.45	.45		.13	7.50	.45	.45		.13
CRANE 131' to 150' BOOM	.45	.45		.13	7.55	.45	.45		.13
CRANE 151' BOOM AND OVER	.45	.45		.13	7.60	.45	.45		.13
MECHANIC AND/OR WELDER	.45	.45		.13	7.12	.45	.45		.13
WIRELESS CRANE OILER	.45	.45		.13	6.85	.45	.45		.13
POWER EQUIPMENT OPERATORS (Cont'd)									
FIELD EQUIPMENT SERVICEMAN; Hydraulic and similar type; Oiler, hoist-house, dums; Shovel oiler, over 3 yds.; Winch truck with boom	.45	.45		.13	\$ 6.92	.45	.45		.13
CONCRETE MIXER, 4 bags and over	.45	.45		.13	6.89	.45	.45		.13
HOIST, SINGLE DUM	.45	.45		.13	6.81	.45	.45		.13
A-FRAME TRUCK CRANE, winch truck and similar	.45	.45		.13	6.80	.45	.45		.13
CEMENT SILO; Form grader	.45	.45		.13	6.79	.45	.45		.13
HYDRO TAMPER	.45	.45		.13	6.77	.45	.45		.13
CHAIN BUCKLE; Chip or gravel spreader, self-propelled; Conveyor loader, over 42" belt	.45	.45		.13	6.72	.45	.45		.13
AIR COMPRESSOR, two or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	.45	.45		.13	6.71	.45	.45		.13
BROOM, self-propelled	.45	.45		.13	6.67	.45	.45		.13
CONCRETE MIXER, 3 bags and under; Fireman	.45	.45		.13	6.61	.45	.45		.13
CONVEYOR LOADER, up to and incl. 42" belt; Crusher conveyor	.45	.45		.13	6.60	.45	.45		.13
RESTART OPERATOR	.45	.45		.13	6.57	.45	.45		.13
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50 HP engine; Hot plant oiler, 100 tons per hour & over; Oiler driver, rubber-tired crane	.45	.45		.13	6.56	.45	.45		.13
FOOTMAN	.45	.45		.13	6.55	.45	.45		.13
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to and incl. 2 mixers	.45	.45		.13	6.52	.45	.45		.13

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DECISION NO. MT75-3126	Basic Hourly Rates	Fringe Benefits Payments			App. To
		M & V	Pension	Vacation	
Misoula and Valley Counties POWER EQUIPMENT OPERATORS A-Frame Truck Crane, Winch Truck and similar	8.20	.50	.45	.15	.03
Air Compressor, single	8.19	.50	.45	.15	.03
Air Compressor, two or more	8.36	.50	.45	.15	.03
Air Doctor	8.66	.50	.45	.15	.03
Asphalt Paving Machine	8.66	.50	.45	.15	.03
Asphalt Paving Machine Spread	8.66	.50	.45	.15	.03
Automatic Flange, Goggles and other similar types	8.79	.50	.45	.15	.03
Belt Finish Machine	8.36	.50	.45	.15	.03
Bit Grinder	8.66	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.66	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.25	.50	.45	.15	.03
Boring Machine (large)	8.66	.50	.45	.15	.03
Broom, self-propelled	8.33	.50	.45	.15	.03
Cableway Haulage	9.17	.50	.45	.15	.03
Cement Silo	8.45	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationery	8.91	.50	.45	.15	.03
Chain Bucket Loader	8.38	.50	.45	.15	.03
Chip or Gravel Spreader, self- propelled	8.38	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.66	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.66	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.06	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	8.18	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.49	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.66	.50	.45	.15	.03
Concrete Curing Machine	8.66	.50	.45	.15	.03
Concrete Finish Machine Paving	8.66	.50	.45	.15	.03
Concrete Float-Spreader	8.66	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.25	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.42	.50	.45	.15	.03
Concrete Power Saw, self-propelled	8.66	.50	.45	.15	.03
Concrete Travel Batch	8.66	.50	.45	.15	.03
Conveyor loader Operator up to and incl 42" belt	8.24	.50	.45	.15	.03
Conveyor loader Operator over 42" belt	8.36	.50	.45	.15	.03

POWER EQUIPMENT OPERATORS (Cont'd)

DECISION NO. MT75-3126	Basic Hourly Rates	Fringe Benefits Payments			App. To
		M & V	Pension	Vacation	
Concrete Conveyor under 40 feet	8.29	.50	.45	.15	.03
Concrete Conveyor over 40 feet	9.04	.50	.45	.15	.03
Concrete Pump	8.82	.50	.45	.15	.03
Crane, to and incl. 80' boom	9.02	.50	.45	.15	.03
Crane, 81' to 150' boom	9.02	.50	.45	.15	.03
Crane, 151' to 150' boom	9.02	.50	.45	.15	.03
Crane, 151' boom and over	9.02	.50	.45	.15	.03
Crane Oiler	8.23	.50	.45	.15	.03
Crusher	8.66	.50	.45	.15	.03
Crusher Oiler and Helper	8.12	.50	.45	.15	.03
Crusher Conveyor, when required	8.12	.50	.45	.15	.03
Distributor	8.66	.50	.45	.15	.03
DN 10, 15, or 20 Tractor pulling roller	8.38	.50	.45	.15	.03
Electric Overhead Cranes	8.84	.50	.45	.15	.03
Elevating Grader	8.66	.50	.45	.15	.03
Farm Type Tractor, up to and incl. 50 HP Engine	8.12	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.20	.50	.45	.15	.03
Field Equipment: Serviceman	8.58	.50	.45	.15	.03
Field Equipment: Serviceman Helper	8.15	.50	.45	.15	.03
Fireman	8.25	.50	.45	.15	.03
Forklift, on construction job site	8.47	.50	.45	.15	.03
Form Grader	8.43	.50	.45	.15	.03
Grade Setter	8.66	.50	.45	.15	.03
Heavy Duty Driller, all types	8.12	.50	.45	.15	.03
Heavy Duty Driller Helper	8.66	.50	.45	.15	.03
Holman-Walton Barbers and similar type	8.25	.50	.45	.15	.03
Hoist, single drum	8.20	.50	.45	.15	.03
Hoist, two or more drums	8.43	.50	.45	.15	.03
Helicopter Hoist	9.16	.50	.45	.15	.03
Hot Plant	8.66	.50	.45	.15	.03
Hot Plant Firm, when in Operation	8.66	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	8.15	.50	.45	.15	.03
Hydra lift and similar types	8.56	.50	.45	.15	.03
Industrial Locomotive all classes	8.66	.50	.45	.15	.03
Mechanic and/or welder on job	8.76	.50	.45	.15	.03
Mechanic and/or welder Helper on job	8.15	.50	.45	.15	.03
Mixmobile	8.74	.50	.45	.15	.03
Motor Patrol	8.79	.50	.45	.15	.03
Mountain Logger -- similar type	8.66	.50	.45	.15	.03

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Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Unfunded	
POWER EQUIPMENT OPERATORS (Cont'd)				
Scraper, single or twin engine pulling belly dump trailer	.50	.45	.15	.03
Scraper, single engine	.50	.45	.15	.03
Scraper, twin engine	.50	.45	.15	.03
Scraper, tandem engine	.50	.45	.15	.03
Self-propelled Sheepfoot and similar type	.50	.45	.15	.03
Shovels, incl. all attachments, under 1 cu. yd.	.50	.45	.15	.03
Shovels, incl. all attachments, 1 cu. yd. to and incl. 3 cu. yds.	.50	.45	.15	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	.50	.45	.15	.03
Shovels, incl. all attachments, over 5 cu. yds.	.50	.45	.15	.03
Shovel Oiler, 3 yds. and under	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	.50	.45	.15	.03
Strip Form Paver	.50	.45	.15	.03
Stiff Leg Derrick and Guy Derrick	.50	.45	.15	.03
Track-type Front End Loaders; up to and incl. 5 cu. yds.	.50	.45	.15	.03
Track-type Front End Loaders; over 5 cu. yds. to and incl. 10 cu. yds.	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	.50	.45	.15	.03
Track-type Tractor with or without attachments	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	.50	.45	.15	.03
Trenching Machine	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	.50	.45	.15	.03
Wagner Roller and similar type	.50	.45	.15	.03
Whirley Crane	.50	.45	.15	.03
Whirley Crane Oiler	.50	.45	.15	.03
Water Pull when used for compaction	.50	.45	.15	.03
Washing and Screening Plant	.50	.45	.15	.03
Washing and Screening Plant Oiler	.50	.45	.15	.03

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Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Unfunded	
POWER EQUIPMENT OPERATORS (Cont'd)				
Mocking Machine	.50	.45	.15	.03
Oiler-Driven, Rubber-tired Cranes	.50	.45	.15	.03
Oilers, other than Shovels and Cranes	.50	.45	.15	.03
Oiler, hoist house, dams	.50	.45	.15	.03
Pavement Breaker, Emeco and similar	.50	.45	.15	.03
Paving and Mixing Machine	.50	.45	.15	.03
Power Auger, large truck or tractor mounted	.50	.45	.15	.03
Power Mixer, single or double drum	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	.50	.45	.15	.03
Pumpcrete or Grout Machine - Pumpers	.50	.45	.15	.03
Pumpers	.50	.45	.15	.03
Push Tractor	.50	.45	.15	.03
Quad Cat	.50	.45	.15	.03
Quad Loader and similar type	.50	.45	.15	.03
Pyro-Giant	.50	.45	.15	.03
Refrigerator Plant	.50	.45	.15	.03
Retort	.50	.45	.15	.03
Roller, on blade or hot mix oil	.50	.45	.15	.03
Paving	.50	.45	.15	.03
Roller, on other blade or hot mix	.50	.45	.15	.03
Paving	.50	.45	.15	.03
Roller, 25 ton or over	.50	.45	.15	.03
Road and similar type Carriers, on construction site	.50	.45	.15	.03
Rubber-tired Dozer	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	.50	.45	.15	.03
Scraper, 30 15, 20, 21, and similar type if power unit is not used	.50	.45	.15	.03

DECISION NO. MT75-5126

Flathead and Sanders County

POWER EQUIPMENT OPERATIONS

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Variable	
A-Frame Truck Crane, Winch Truck and similar	.50	.45	.15	.03
Air Compressor, single	.50	.45	.15	.03
Air Compressor, two or more	.50	.45	.15	.03
Air Doctor	.50	.45	.15	.03
Asphalt Paving Machine	.50	.45	.15	.03
Asphalt Paving Machine Screed	.50	.45	.15	.03
Automatic Finegrader, Griddles and other similar types	.50	.45	.15	.03
Belt Finish Machine	.50	.45	.15	.03
Bit Grader	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	.50	.45	.15	.03
Boring Machine (large)	.50	.45	.15	.03
Broom, self-propelled	.50	.45	.15	.03
Cableway Highline	.50	.45	.15	.03
Cement Silo	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	.50	.45	.15	.03
Chain Bucket Loader	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	.50	.45	.15	.03
Concrete Batch Plant, three mixers and four mixers	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	.50	.45	.15	.03
Concrete Bucket Dispatcher	.50	.45	.15	.03
Concrete Curing Machine	.50	.45	.15	.03
Concrete Finish Machine Paving	.50	.45	.15	.03
Concrete Float-Spreader	.50	.45	.15	.03
Concrete Mixer, three bags and under	.50	.45	.15	.03
Concrete Mixer, four bags and over	.50	.45	.15	.03

DECISION NO. MT75-5126

POWER EQUIPMENT OPERATIONS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Variable	
Concrete Power Saw, self-propelled	.50	.45	.15	.03
Concrete Travel Batch	.50	.45	.15	.03
Conveyor Loader, up to and incl. 42" belt	.50	.45	.15	.03
Conveyor Loader, over 42" belt	.50	.45	.15	.03
Crane, to and incl. 80' boom with jib	.50	.45	.15	.03
Crane, 81' to 130' boom	.50	.45	.15	.03
Crane, 131' to 150' boom	.50	.45	.15	.03
Crane, 151' boom and over	.50	.45	.15	.03
Crane Oiler	.50	.45	.15	.03
Crawler Oiler and Helper	.50	.45	.15	.03
Crawler Conveyor, when required	.50	.45	.15	.03
Distributor	.50	.45	.15	.03
EW 10, 15, or 20 Tractor pulling roller	.50	.45	.15	.03
Electric Overhead Cranes	.50	.45	.15	.03
Elevating Grader	.50	.45	.15	.03
Farm Type Tractor, up to and incl. 50 HP Engine	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	.50	.45	.15	.03
Field Equipment Serviceman	.50	.45	.15	.03
Field Equipment Serviceman Helper	.50	.45	.15	.03
Fireman	.50	.45	.15	.03
Forklift, on construction job site	.50	.45	.15	.03
Form Grader	.50	.45	.15	.03
Gravel	.50	.45	.15	.03
Grade Setter	.50	.45	.15	.03
Heavy Duty Drill, all types	.50	.45	.15	.03
Heavy Duty Driller Helper	.50	.45	.15	.03
Herman-Welsh Hesters and similar Type, Single drum	.50	.45	.15	.03
Moist, two or more drums	.50	.45	.15	.03
Helicopter Hoist	.50	.45	.15	.03
Hot Plant	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	.50	.45	.15	.03
Hydra lift and similar types	.50	.45	.15	.03

DECISION NO. W773-5126

POWER EQUIPMENT OPERATORS (Cont'd)

Basic Hourly Rates	H & W	Previous	Verdine	App. To
Industrial Locomotive all classes	.50	.45	.15	.03
Mechanic and/or Welder on job	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	.50	.45	.15	.03
Mixer	.50	.45	.15	.03
Motor Patrol	.50	.45	.15	.03
Mountain Logger or similar type	.50	.45	.15	.03
Mocking Machine	.50	.45	.15	.03
Oilier-Driven, Rubber Tired Cranes	.50	.45	.15	.03
Oilier, other than shovels and cranes	.50	.45	.15	.03
Oilier, hotset house, dams	.50	.45	.15	.03
Pavement Breaker, Emaco & similar	.50	.45	.15	.03
Paving and Mixing Machine	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	.50	.45	.15	.03
Power Mixer, single or double drum	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	.50	.45	.15	.03
Pumpcrete or Grout Machine	.50	.45	.15	.03
Pumpjack	.50	.45	.15	.03
Push Tractor	.50	.45	.15	.03
Quad Cat	.50	.45	.15	.03
Quad Loader and similar types	.50	.45	.15	.03
Radiator Repairman	.50	.45	.15	.03
Refrigerator Plant	.50	.45	.15	.03
Retort	.50	.45	.15	.03
Roller, on blade or hot mix oil paving	.50	.45	.15	.03
Roller, on other blade or hot mix paving	.50	.45	.15	.03
Roller, 25 ton or over	.50	.45	.15	.03
Ross and similar type carriers, on construction site	.50	.45	.15	.03
Rubber-tired Dozer	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	.50	.45	.15	.03

DECISION NO. W773-5126

POWER EQUIPMENT OPERATORS (Cont'd)

Basic Hourly Rates	H & W	Previous	Verdine	App. To
Scraper, 15, 20, 21 and similar type if power unit is not used	.50	.45	.15	.03
Scraper, single or twin engine pulling belly dump trailer	.50	.45	.15	.03
Scraper, single engine	.50	.45	.15	.03
Scraper, twin engine	.50	.45	.15	.03
Scraper, tandem or 3 engine	.50	.45	.15	.03
Self-propelled Sheepsfoot and similar type	.50	.45	.15	.03
Shovel, incl. all attachments, under 1 cu. yd.	.50	.45	.15	.03
Shovels, incl. all attachments, 1 cu. yd. to and incl. 3 cu. yds.	.50	.45	.15	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	.50	.45	.15	.03
Shovels, incl. all attachments, over 5 cu. yds.	.50	.45	.15	.03
Shovel Oiler, 3 yds. & under	.50	.45	.15	.03
Slip Form Paver	.50	.45	.15	.03
Stiff Leg Derrick & Guy Derrick	.50	.45	.15	.03
Track-type Front End Loaders, up to & incl. 5 cu. yds.	.50	.45	.15	.03
Track-type Front End Loaders, over 5 cu. yds. to & incl. 10 cu. yds.	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	.50	.45	.15	.03
Track-type Tractor with or without attachments	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	.50	.45	.15	.03
Trenching Machine	.50	.45	.15	.03
Turnblad Conveyor, or Road Tower on Batch Plant	.50	.45	.15	.03
Wagner Roller & similar type	.50	.45	.15	.03
Whirley Crane	.50	.45	.15	.03
Whirley Crane Oiler	.50	.45	.15	.03
Water Pail when used for compaction	.50	.45	.15	.03
Washing & Screening Plant	.50	.45	.15	.03
Washing & Screening Plant Oiler	.50	.45	.15	.03
Yo-Yo Cat, both ends	.50	.45	.15	.03

DECISION NO. HT75-5126

TRUCK DRIVERS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Paid-in	Vacation	
Over 15 cu. yds. to and incl. 20 cu. yds.	.50	.40		
Over 20 cu. yds. to and incl. 25 cu. yds.	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	.50	.40		
Over 30 cu. yds. to and incl. 35 cu. yds.	.50	.40		
Over 35 cu. yds. to and incl. 40 cu. yds.	.50	.40		
Over 40 cu. yds. to and incl. 45 cu. yds.	.50	.40		
Over 45 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment	.50	.40		
DUMPSTERS				
EW 20, DW 21, or EUCLED TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGGONS:				
To and incl. 25 cu. yds.	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	.50	.40		
Over 30 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment	.50	.40		
SERVICEMEN				
POWDER TRUCK DRIVER (bulk unloader type)	.50	.40		
FLAT TRUCKS:				
To and incl. 3 tons	.50	.40		
Over 3 tons Factory rating	.50	.40		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	.50	.40		
LADBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	.50	.40		
POWER BROOM	.50	.40		

DECISION NO. HT75-5126

TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Paid-in	Vacation	
COMBINATION Truck; Concrete Mixer and Transit Mixer:				
To and incl. 4 cu. yds.	.50	.40		
Over 4 cu. yds. to and incl. 6 cu. yds.	.50	.40		
Over 6 cu. yds. to and incl. 8 cu. yds.	.50	.40		
Over 8 cu. yds. to and incl. 10 cu. yds.	.50	.40		
Over 10 cu. yds. - additional \$.06 per hour each additional 2 cu. yds. increment	.50	.40		
DISTRIBUTOR DRIVER AND HELPER				
DAY BATCH TRUCKS:				
3 Batch or under	.50	.40		
Over 3 Batch to and incl. 5 Batch	.50	.40		
Over 5 Batch to and incl. 10 Batch	.50	.40		
Over 10 Batch to and incl. 15 Batch	.50	.40		
Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment	.50	.40		
PICKUP DRIVER, HAULING MATERIALS	.50	.40		
DONPAIN, GRAYL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	.50	.40		
Warehousemen, Partimen, Cardex men, Warehouse Expediter	.50	.40		
DUMP TRUCKS AND SIMILAR EQUIPMENT				
WATER LEVEL CAPACITY, INCL. SIDE-BOARDS:				
7 cu. yds. or less	.50	.40		
Over 7 cu. yds. to and incl. 10 cu. yds.	.50	.40		
Over 10 cu. yds. to and incl. 15 cu. yds.	.50	.40		

DECISION NO. MT75-5126

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr.
WATER TASK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	\$ 7.47	.50	.40		
Over 2,500 gallons to and incl. 4,500 gallons	7.76	.50	.40		
Over 4,500 gallons to and incl. 6,000 gallons	7.96	.50	.40		
Over 6,000 gallons to and incl. 8,000 gallons	8.02	.50	.40		
Over 8,000 gallons to and incl. 10,000 gallons	8.10	.50	.40		
Over 10,000 gallons - additional \$.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT IF UNDER TEAMSTERS JURISDICTION, SUCH AS:					
Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.71	.50	.40		
TRUCK MECHANIC	8.21	.50	.40		

SUPERSEDED DECISION

COUNTIES: Deer Lodge, Gallatin and

and Silver Bow

DATE: Date of Publication

DECISION NUMBER: MT75-5127

Supercedes Decision No. MT75-5092 dated July 25, 1975, in 40 FR 31514

DESCRIPTION OF WORK: Residential construction consisting of single family

homes and garden type apartments up to and including 4 stories.

DECISION NO. MT75-5127

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
ASBESTOS WORKERS	9.10-.80	.44	.50		.02
BOILERMAKERS	8.90	.70	1.00		
BRICKLAYERS:					
Deer Lodge and Silver Bow Cos.	9.25		.25		
Gallatin County	9.05				
CARPENTERS:					
Deer Lodge County	7.11	.40	.55		.02
Gallatin County	6.51	.40	.55		.02
Silver Bow County	7.01	.40	1.00	.75	.02
CEMENT MASONS:					
Deer Lodge and Silver Bow Cos.	7.95	.40	.25		
Gallatin County	6.50	.35	.25		
ELECTRICIANS:					
Deer Lodge and Silver Bow Cos.	9.15	.35	1 1/2 + .25		1/22
Gallatin County	8.55	.30	1 1/2		1/22
IRONWORKERS:					
Ornamental; Structural and Reinforcing	9.36	.55	.85		.05
PAINTERS, Brush:					
Silver Bow County	7.02	.25	.10		.03
Gallatin County	7.69	.25	.20		
PLASTERERS:					
Deer Lodge and Silver Bow Cos.	7.95	.40	.25		
Gallatin County	6.50	.35	.25		
PLUMBERS	9.65	.40	.55		.05
ROOFERS:					
Deer Lodge and Silver Bow Cos.	6.91	.47	.35	.75	
Gallatin County	6.94	.425			
SEMI METAL WORKERS:					
Deer Lodge and Silver Bow Cos.	8.40	.37	.40	.75	.04
Gallatin County	7.95	.37	.20		.08
SPRINKLER FITTERS	9.10	.50	.80		

Gallatin County

Group 1

Group 2

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LABORERS

Deer Lodge and Silver Bow Counties

GROUP 1: General Laborer; Axeman; Carpenter Tender; Car and Truck Loaders; Scissorman; Chuck Tender and Ripper (above ground); Compilers, setting and removing; Fence Erector and Installer incl. the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers; Form Stripper; Form Setter; Landscape Laborer; Nozzlemann - air and water,omite and place machine; Pilot Car; Riprap Helper; Scaleman; Sod Cutter (hand operated) (General Laborer); Stake Jumper for equipment; Tool Checker; Toolhouseman

GROUP 2: Ripper; Sandblaster; Sandblaster Tailhouseman; Pot Tender

GROUP 3: Band Faller

GROUP 4: Post Hole Digger (power Auger)

GROUP 5: Concrete or asphalt saws; Tar Pot Operator

GROUP 6: Powderman Helper

GROUP 7: Caisson Workers (free air); Spike Driver, single or dual or hand

GROUP 8: Drills, Air-tract, self-propelled car or truck mount air operated drills; Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tapper, Vibrating Roller hand steered and other power tools; Pipe Wraper, Power Str. (Cocking)

GROUP 9: Asphalt Baker; Dumpman (graderman)

GROUP 10: High Pressure Machine Nozzlemann

GROUP 11: Pipe Layer (all types); Cutting Torch Operator

GROUP 12: Powderman

GROUP 13: Grade Setter

GROUP 14: High Scaler

GROUP 15: Dumpman (spotter)

GROUP 16: Power Saw (falling)

GROUP 17: Rigger

GROUP 18: Core Drill Operator

GROUP 19: Concrete Worker, wet or dry; Tending Masons when pouring and finishing Concrete

GROUP 20: Vibrator Operator; Tending Stonesetters, Marble Setters, Tile Setters. Shagbols and Terrazzo Workers; Tending brick masons on brick or stone work; Tending Plasterers or stuccoing or plastering; (This does not include rbbing down of foundation or concrete walls), Surkrets, Stonehard and Batterslate; Concrete Conveyor Swinger Operator

GROUP 21: Power Driven Concrete Buggies

DECISION NO. MT75-5127

Gallatin County

POWER EQUIPMENT OPERATORS

A-Frame Truck Crane, Winch Truck and similar
Air Compressor, single
Air Compressor, two or more
Air Doctor
Asphalt Paving Machine
Asphalt Paving Machine Screen
Automatic Finegrade, Gurdies and other similar types
Belt Finish Machine
Bit Grinder
Bituminous Mixer Paving, Travel Plant
Boring Machine (small), jeep, pickup or farm tractor mounted
Boring Machine (large)
Broom, self-propelled
Cableway Highline
Cement Silo
Central Mixing Plants, Concrete dam and stationary
Chain Bucket Loader
Chip or Gravel Spreader, self-propelled
Concrete Batch Plant, one and two mixers
Concrete Batch Plant, three and four mixers
Concrete Batch Plant, five mixers and over
Concrete Batch Plant Oiler, up to and incl. two mixers
Concrete Batch Plant Oiler, three mixers and over
Concrete Bucket Dispatcher
Concrete Coring Machine
Concrete Finish Machine Paving
Concrete Float-Spreader
Concrete Mixer, three bags and under
Concrete Mixer, four bags and over
Concrete Power Saw, self-propelled
Concrete Travel Batcher
Conveyor loader Operator up to and incl. 42" belt
Conveyor loader Operator over 42" belt

DECISION NO. M715-5127

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
\$ 8.29	.50	.45	.15	.03
Concrete Conveyor under 40 feet	.50	.45	.15	.03
Concrete Pump	.50	.45	.15	.03
Crane, to and incl. 80' boom	.50	.45	.15	.03
Crane, 81' to 130' boom	.50	.45	.15	.03
Crane, 131' to 150' boom	.50	.45	.15	.03
Crane, 151' boom and over	.50	.45	.15	.03
Crane Oiler	.50	.45	.15	.03
Crusher	.50	.45	.15	.03
Crusher Oiler and Helper	.50	.45	.15	.03
Crusher Conveyor, when required	.50	.45	.15	.03
Distributor	.50	.45	.15	.03
DM 10, 15, or 20 Tractor pulling roller	.50	.45	.15	.03
Electric Overhead Cranes	.50	.45	.15	.03
Elevating Grader	.50	.45	.15	.03
Farm Type Tractor, up to and incl. 50 HP Engine	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	.50	.45	.15	.03
Field Equipment Serviceman	.50	.45	.15	.03
Field Equipment Serviceman Helper	.50	.45	.15	.03
Fireman	.50	.45	.15	.03
Forklift, on construction job site	.50	.45	.15	.03
Form Grader	.50	.45	.15	.03
Crane	.50	.45	.15	.03
Grade Setter	.50	.45	.15	.03
Heavy Duty Drill, all types	.50	.45	.15	.03
Heavy Duty Driller Helper	.50	.45	.15	.03
Herman-Meloon Heaters and similar type	.50	.45	.15	.03
Moist, single drum	.50	.45	.15	.03
Moist, two or more drums	.50	.45	.15	.03
Helicopter Moist	.50	.45	.15	.03
Hot Plant	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	.50	.45	.15	.03
Hydra lift and similar types	.50	.45	.15	.03
Industrial Locomotive all classes	.50	.45	.15	.03
Mechanic and/or Welder on job	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	.50	.45	.15	.03
Mixerobile	.50	.45	.15	.03
Motor Patrol	.50	.45	.15	.03
Mountain Logger or similar type	.50	.45	.15	.03

DECISION NO. M715-5127

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
\$ 8.71	.50	.45	.15	.03
Mucking Machine	.50	.45	.15	.03
Oiler-Driver, Rubber-tired Cranes	.50	.45	.15	.03
Oilers, other than Shovels and Cranes	.50	.45	.15	.03
Oiler, hoist house, dms	.50	.45	.15	.03
Pavement Breaker, Bisco and similar	.50	.45	.15	.03
Paving and Mixing Machine	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	.50	.45	.15	.03
Power Mixer, single or double drum	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	.50	.45	.15	.03
Pumpcrete or Grout Machine	.50	.45	.15	.03
Pumpjack	.50	.45	.15	.03
Push Tractor	.50	.45	.15	.03
Quad Cat	.50	.45	.15	.03
Quad Loader and similar type	.50	.45	.15	.03
Rayco Giant	.50	.45	.15	.03
Refrigerator Plant	.50	.45	.15	.03
Retort	.50	.45	.15	.03
Roller, on blade or hot mix oil	.50	.45	.15	.03
Roller, on other blade or hot mix	.50	.45	.15	.03
Paving	.50	.45	.15	.03
Roller, 25 ton or over	.50	.45	.15	.03
Ross and similar type Carriers, on construction site	.50	.45	.15	.03
Rubber-tired Dozer	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	.50	.45	.15	.03
Scraper, DM 15, 20, 21 and similar type if power unit is not used	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (cont'd)	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pension	Vacation	App. Tn.	
AUTOMATIC FINISHERS, gullies and similar; Motor patrol; Paving and mixing machine; Scaper, DW 15, 20, 21 and similar if power unit is used; Scaper, single engine; Slip form paver	.50	.45	.15	.03	\$8.84
BORING MACHINE; Concrete mixer, 3 bags and under; Fireman; Heavy duty rotary drill helper; Retort operator	.50	.45	.15	.03	8.30
BROOM OPERATOR, self-propelled	.50	.45	.15	.03	8.38
CABLEWAY OPERATOR	.50	.45	.15	.03	9.22
CEMENT SILO	.50	.45	.15	.03	8.50
CENTRAL MIXING PLANTS, concrete dams and stationary	.50	.45	.15	.03	8.96
CHAIN BUCKET LOADER; Chis-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller	.50	.45	.15	.03	8.43
CONCRETE BATCH PLANT OPERATOR, 3 & 4 mixers	.50	.45	.15	.03	8.91
CONCRETE BATCH PLANT OPERATOR, 5 mixers and over	.50	.45	.15	.03	9.11
CONCRETE BATCH PLANT OILER, up to and incl. 2 mixers	.50	.45	.15	.03	8.23
CONCRETE BATCH PLANT OILER, 3 mixers and over	.50	.45	.15	.03	8.54
CONCRETE MIXER OPERATOR, 4 bags and over	.50	.45	.15	.03	8.47
CONVEYOR LOADER, to and incl. 42" belt	.50	.45	.15	.03	8.29
CRANE, to and incl. 80' boom with jib	.50	.45	.15	.03	8.87
CRANE, 81' to 130' boom	.50	.45	.15	.03	9.02
CRANE, 131' to 150' boom	.50	.45	.15	.03	9.07
CRANE, 151 boom and over	.50	.45	.15	.03	9.12
CRANE OILER; Oiler driver, rubber-tired cranes	.50	.45	.15	.03	8.28
CRANES, electric overhead; Shovels, incl. all attachments 1 yd. to and incl. 3 yds.; Track type tractor, on Euclid loader	.50	.45	.15	.03	\$8.89
CRANE, TOWER; Scaper, tandem or (engine)	.50	.45	.15	.03	9.20
CRANE, WHEELED	.50	.45	.15	.03	9.24
CRANE, WHEELED OILER; hydraulic and similar; Oiler, hoist house, dam, shovels oiler, over 3 yds.; Winch truck with boom	.50	.45	.15	.03	8.61
CRUSHER AND/OR SCREENING PLANT HELPER, (if over 2 separate units); Crusher oiler; Field equipment service helper; Hot plant oiler, 100 tons per hour or over; Mechanic and/or welder helper on job; Oiler, other than shovels and cranes; Shovel oiler, 3 yds. and under; Washing and screening plant oiler	.50	.45	.15	.03	8.20
CRUSHER CONVEYOR, when required; Farm type tractor, up to and incl. 50 H.P.; Grade setter	.50	.45	.15	.03	8.17
DRILLING MACHINE (does not include Jackhammer, Wagon drillers or waterlines)	.50	.45	.15	.03	8.62
EUCALID LOADER and similar; Loader and hoe combination, rubber-tired, loader 1 yd. to and incl. 3 yds., hoe over 1 yd.	.50	.45	.15	.03	8.90
FARM TYPE TRACTOR, over 50 H.P.; Heaters Herman Nelson and similar	.50	.45	.15	.03	8.25
FIELD EQUIPMENT SERVICE MAN	.50	.45	.15	.03	8.63
FOUR LIFT (on construction site)	.50	.45	.15	.03	8.53
HOIST, OR AIR TUGGER, single drum; Farm grader	.50	.45	.15	.03	8.48
FULLER KENTON PUMP; Loaders (Barber Green and similar)	.50	.45	.15	.03	8.36
HELICOPTER HOIST	.50	.45	.15	.03	9.21
LOADERS, RUBBER-TIRED, 1 yd. and under	.50	.45	.15	.03	8.42
LOADERS, RUBBER-TIRED, over 3 yds. to and incl. 5 yds.	.50	.45	.15	.03	8.71

Dear Lodge and Silver Bow Counties

TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & V	Pension	Vacation	Other	
LOADERS, RUBBER-TIRED, 5 yds. to and incl. 10 yds.	.50	.45	.15	.03	
LOADERS, RUBBER-TIRED, over 10 yds., to and incl. 15 yds.	.50	.45	.15	.03	
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. sideboards)	9.13	.45	.15	.03	
LOADERS, TRACK-TYPE, over 5 yds. to and incl. 10 yds. Scraper, twin engine	8.94	.45	.15	.03	
LOADERS, TRACK-TYPE, over 10 yds. to and incl. 15 yds.	9.04	.45	.15	.03	
LOADERS, TRACK-TYPE, over 15 yds.	9.14	.45	.15	.03	
MECHANIC AND/OR WELDER, on job	8.81	.45	.15	.03	
MOTORHOME	8.79	.45	.15	.03	
PILGRIMER (when shovel equipment is not used)	8.36	.45	.15	.03	
QUAD CAT	9.01	.45	.15	.03	
SCAPER, single or twin engine pulling belly dump trailer	9.09	.45	.15	.03	
SHOVELS, incl. all attachments, over 3 yds. to and incl. 5 yds., Stiff-leg derrick and guy derrick	9.16	.45	.15	.03	
SHOVELS, incl. all attachments, over 5 yds.	8.29	.45	.15	.03	

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & V	Pension	Vacation	Other	
COMBINATION Truck; Concrete Mixer and Transit Mixer: To and incl. 4 cu. yds. Over 4 cu. yds. to and incl. 6 cu. yds. Over 6 cu. yds. to and incl. 8 cu. yds. Over 8 cu. yds. to and incl. 10 cu. yds. Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment	7.72 7.80 7.88 7.96	.50 .50 .50 .50	.40 .40 .40 .40		
DISTRIBUTOR DRIVER AND HELPER	7.65	.50	.40		
DRY BATCH TRUCKS: 3 Batch or under Over 3 Batch to and incl. 5 Batch Over 5 Batch to and incl. 10 Batch Over 10 Batch to and incl. 15 Batch Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment	7.47 7.66 7.76 7.92	.50 .50 .50 .50	.40 .40 .40 .40		
PICKUP DRIVER, HAULING MATERIALS	7.57	.50	.40		
TRUMPAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	7.47	.50	.40		
Warehousemen, Partmen, Cardex men, Warehouse Expediter	7.67	.50	.40		
IRON TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDEBOARDS: 7 cu. yds. or less Over 7 cu. yds. to and incl. 10 cu. yds. Over 10 cu. yds. to and incl. 15 cu. yds.	7.47 7.60 7.76	.50 .50 .50	.40 .40 .40		

Gallatin County TRUCK DRIVERS	Basic Monthly Rates	Fringe Benefits Payments		
		H & V	Pensions	Unemp. Ins.
Truck Drivers: Dump, 7 yds. or less; Pickup, hauling materials; Flat, less than 2 ton; Service & A-Frame trailers.	\$6.08	.50	.30	
House movers	6.12	.50	.30	
Flat, 2 - 5 tons	6.23	.50	.30	
Dump, over 7 yds. to & incl. 10 yds.; Flat, 5 - 8 tons; Semi & four wheel trailers	6.33	.50	.30	
Dump, over 10 yds. to & incl. 15 yds.	6.49	.50	.30	
Dump, over 15 yds. to & incl. 20 yds.	6.63	.50	.30	

SUPERSEDES DECISION

STATE: Montana
 DECISION NUMBER: MT75-5128
 SUPERSEDES DECISION No. MT75-5093 dated July 25, 1975, in 40 FR 31522
 DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Statewide

DATE: Date of Publication

DATE: 40 FR 31522

DESCRIPTION OF WORK: Heavy and Highway Construction

DECISION NO. MT75-5128

ELECTRICIANS: (Cont'd)
 Fergus, Petroleum and Wheatland
 Counties

(Electrical contracts less than
 \$20,000)
 (Electrical contracts \$20,000 or
 more)

Park and Sweetgrass Counties
 Carter, Daniels, Dawson, Fallon,
 McCone, Prairie, Richland,
 Roosevelt, Sheridan, Valley and
 Wibaux Counties

Custer and Garfield Counties

IRONWORKERS:

Beaverhead, Broadwater, Deer
 Lodge, Gallatin, Granite,
 Jefferson, Lewis and Clark

(Southern half including Wolf
 Creek), Madison, Park, Powell,
 Ravalli and Silverbow Counties

Flathead, Glacier, Lake, Lincoln,
 Mineral, Missoula and Sanders
 Counties

Remaining Counties (including
 Northern half of Lewis and Clark
 County)

PAINTERS:
 Beaverhead, Jefferson (Southern
 area, south of the City of Bould-
 er), Madison (west of a line
 running north-south through the
 west limits of Harrison and
 Silver Bow Counties)

Brush
 Spray
 Big Horn, Carbon, Carter, Custer,
 Dawson, Fallon, Golden Valley,
 Musselshell, Powder River,
 Prairie, Rosebud, Stillwater,
 Sweet Grass, Treasure, Wheatland
 (south of the City of Harlowtown)
 Wibaux and Yellowstone Counties

Brush
 Steel
 Spray

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Provision	Variance	
\$ 7.78	.40	.65		.02
7.93	.40	.65		.02
7.73	.50	.25		
7.88	.50	.25		
7.88	.50	.25		
8.03	.50	.25		
9.15	.35	11 + .25		1/21
8.55	.30	11		1/21
8.58	.32	11		1/21
8.85		11		1/21
9.38	.42	11 + .25		1/21
9.63	.42	11 + .25		1/21
8.68	.42	11		1/21
9.18	.42	11		1/21
9.32	.30	11 + .65		1/21
9.77	.30	11 + .25		1/21

CARPENTERS:

Carpenters
 Flathead, Safford, Carbon,
 Fergus, Petroleum and Wheatland
 Counties

CEMENT MASONS (Eastern Counties):
 Cement masons

Grinder, bush hammer and clipping
 fan preparing finished surface;
 - Epoxy

CEMENT MASONS (Western Counties):
 Cement masons

Grinder, bush hammer and clipping
 fan preparing finished surface;
 - Epoxy

ELECTRICIANS:
 Beaverhead, Deer Lodge, Granite,
 Jefferson, Madison, Silver Bow
 and Powell Counties

Gallatin County
 Broadwater, Lewis and Clark and
 Meagher Counties

Electricians
 Blaine, Hill, Liberty and Phillips
 Counties

Electricians
 Cascade, Choctaw, Glacier,
 Judith-Basin, Pondera, Teton and
 Toole Counties

Electricians
 Cable splicers
 Flathead, Lake, Lincoln, Mineral,
 Missoula, Ravalli and Sanders
 Counties

Electricians
 Cable splicers
 Big Horn, Carbon, Golden Valley,
 Musselshell, Powder River,
 Rosebud, Stillwater, Treasure
 and Yellowstone Counties

Electricians
 Cable splicers

Basic Hourly Rates

Fringe Benefits Payments

M & W

Provision

Variance

App. To

DECISION NO. MT75-5128

PAINTERS: (Cont'd)

Cascade, Chouteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier (excl. Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Flanders, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West through the southern limits of Barlow County) Counties

Painters, Brush, preparatory work; Pot Tender; Rollers not over 9" for wire mesh, Louvers, Peg Boards behind radiators and perforated tile only; Parking lot stripping and related work Paperhangers; Rollers up to 9" long and brush cutting in ahead of roller

Perforator

Brush on steel

Water and Sandblasting:

Application of cold tar products (including epoxies, polyurethanes and acid resistant paints); Spraying and airless spray

Roller over 9" long

Basic Hourly Rates	# & %	Penalties	Vacation	App. Tr.
\$ 7.19	.34	.20		
7.44	.34	.30		
7.54	.34	.30		
7.69	.34	.30		
9.44	.34	.30		
10.79	.34	.30		

PAINTERS: (Cont'd)

Broadwater, Gallatin, Jefferson, (northern area from a line running East and West five miles south of the southern city limits of Boulder), Lewis and Clark (southern portion from a line running East and West through the southern limits of Craig), Madison (east of the West city limits of Harrison), Meagher, Park, Powell (northern area from a line running East and West through the southern City limits of Helena-ville)

Brush

Spray; Steel brush

Structural steel brush

Steel spray

Structural steel spray

Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Counties Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including the City of Bonan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Selma-ville), Ravalli and Sanders Cos.

PLUMBERS:

Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis & Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties

Basic Hourly Rates	# & %	Penalties	Vacation	App. Tr.
\$ 7.69	.25	.20		.03
8.69	.25	.20		.03
9.19	.25	.20		.03
9.69	.25	.20		.03
10.19	.25	.20		.03
6.76				
7.85	.34	.30		.04
9.68	.35	.55		.05
9.10	.40	.70		11
9.65	.40	.55		.05
8.75	.40	.80		.10

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & W	Pensions	Vacation		
\$9.31	.37	.25			.07
9.38	.37	.20			.07
7.95	.37	.20			.04
9.08	.37	.25			.07
8.40	.37	.40	.75		.02

SHEET METAL WORKERS: Broadwater, Jefferson (including north 1/2 of the City of Boulder), Lewis and Clark and Meagher Cos., Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Cos., Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Flanders, Teton and Toole Counties Beaverhead, Deer Lodge, Granite, Jefferson (S 1/2), Madison, Powell and Silver Bow Counties

LABORERS	Basic Hourly Rates	EASTERN COUNTIES	Basic Hourly Rates	WESTERN COUNTIES	Fringe Benefits Payments			App. To
					H & W	Pensions	Vacation	
Asphalt Packer	\$7.12	6.87	6.87	6.94	.47	.37		.03
Axeman	6.87	6.87	6.87	6.94	.47	.37		.03
Burning Bar	7.03	6.87	6.87	7.10	.47	.37		.03
Car and Truck Loaders,								
Scissorman	6.87	6.87	6.87	6.94	.47	.37		.03
Calfskin Workers (Free								
Air)	7.03	6.87	6.87	7.10	.47	.37		.03
Carpenter Tender	6.87	6.87	6.87	6.94	.47	.37		.03
Cement Handlers	7.03	6.87	6.87	7.10	.47	.37		.03
Cement Mason Tender	7.03	6.87	6.87	7.10	.47	.37		.03
Checker Setter	7.03	6.87	6.87	7.10	.47	.37		.03
Chock Tender and Nipper								
(above ground)	6.87	6.87	6.87	6.94	.47	.37		.03
Concrete Laborers (wet								
or dry); Bucketman and	7.03	6.87	6.87	7.10	.47	.37		.03
Signalman	6.97	6.87	6.87	7.04	.47	.37		.03
Concrete or Asphalt Saw								
Concrete Vibrator (5"	7.17	6.87	6.87	7.24	.47	.37		.03
and over)								
Cosmothen applying and								
removing	6.87	6.87	6.87	6.94	.47	.37		.03
Core Drill	7.47	6.87	6.87	7.54	.47	.37		.03
Crab Machine	6.97	6.87	6.87	7.04	.47	.37		.03
Drills, Air-tract, self-								
propelled, Cat or Truck								
mounted air operated								
Drills, Air-tract, with								
Dual Masts	7.13	6.87	6.87	7.20	.47	.37		.03
Drills, Air-tract, self-								
propelled, Mustang type	7.23	6.87	6.87	7.30	.47	.37		.03
or similar								
Dumpman (Spotter)	7.18	6.87	6.87	7.25	.47	.37		.03
Dumpman (Gradsman)	6.87	6.87	6.87	6.94	.47	.37		.03
	7.03	6.87	6.87	7.10	.47	.37		.03

LABORERS: (Cont'd)

Fence Erector and
Installer (including
Installation and Erect-
ion of fences, guard
rails, median rails,
reference posts, guide
posts and right-of-way
markers); Flagman;
Guard and Watchman
Form Stripper
Form Setter
Grade Setter
General Laborer
Hand Faller
High Scaler
High Pressure Machine
Nozzlemaster
Nuclear Tender
Jackhammer, Pavement
Breaker, Wagon Drills,
Concrete Vibrator,
Mechanical Tamper,
Vibrating Roller, hand
steered and other Air
Tools
Landscape Laborers
Nozzlemaster-Air and Water,
Combs and Flaco
Machinist
Pipe Layer (all types)
Pipe Wrigger
Post Hole Digger (Power
Auger)
Power Saw, Bucking
Power Saw, Felling
Frederman Helper
Frederman
Power Driven Wheelbarrow
Ripper
Ripper Helper
Scallem
Sandblaster
Sandblaster Tail Hoseman,
Pot Tender

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			App. Th.
		M & W	Pension	Vacation	
EASTERN COUNTIES	WESTERN COUNTIES				
\$6.87	\$6.94	.47	.37	.03	.03
6.87	6.94	.47	.37	.03	.03
6.97	7.04	.47	.37	.03	.03
7.22	7.29	.47	.37	.03	.03
6.87	6.94	.47	.37	.03	.03
6.95	7.02	.47	.37	.03	.03
7.23	7.30	.47	.37	.03	.03
7.07	7.14	.47	.37	.03	.03
6.87	6.94	.47	.37	.03	.03
7.03	7.10	.47	.37	.03	.03
6.87	6.94	.47	.37	.03	.03
6.97	7.04	.47	.37	.03	.03
7.03	7.10	.47	.37	.03	.03
7.03	7.10	.47	.37	.03	.03
6.97	7.04	.47	.37	.03	.03
7.03	7.10	.47	.37	.03	.03
7.13	7.20	.47	.37	.03	.03
6.97	7.04	.47	.37	.03	.03
7.43	7.50	.47	.37	.03	.03
6.97	7.04	.47	.37	.03	.03
7.03	7.10	.47	.37	.03	.03
6.87	6.94	.47	.37	.03	.03
7.03	7.10	.47	.37	.03	.03
7.07	7.14	.47	.37	.03	.03
6.87	6.94	.47	.37	.03	.03

LABORERS: (Cont'd)

Sodewatter-land operated
Spoke driver, single or
dual or hand
Stake Jumper for
Equipment
Switchman
Tar Pot
Tool Checker, Tool-
houseman
Welder

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			App. Th.
		M & W	Pension	Vacation	
EASTERN COUNTIES	WESTERN COUNTIES				
\$6.87	\$6.94	.47	.37	.03	.03
7.03	7.10	.47	.37	.03	.03
6.87	6.94	.47	.37	.03	.03
7.03	7.10	.47	.37	.03	.03
6.97	7.04	.47	.37	.03	.03
6.87	6.94	.47	.37	.03	.03
7.87	7.94	.47	.37	.03	.03

*Eastern Counties: Blaine-Carter-Custer-Daniels-Dawson-Fallon-Carfield-
McCone-Petroleum-Phillips-Powder River-Frairie-
Richland-Roosevelt-Sheridan-Valley and Wibaux

*Western Counties: Beaverhead-Big Horn-Broadwater-Carbon-Cascade-
Chouteau-Deer Lodge-Fergus-Flathead-Gallatin-
Glacier-Golden Valley-Granite-Hill-Jefferson-
Judith Basin-Lake-Lewis & Clark-Liberty-
Lincoln-Moosonee-Moosonee-Mineral-Missoula-
Musselshell-Park-Powder-Powell-Ravalli-Rosebud-
Sanders-Silverbow-Stillwater-Sweetgrass-Teton-
Toole-Treasure-Wheatland and Yellowstone

DECISION NO. MT75-5128

Flathead, Lake, Lincoln, Mineral, Missouri, West 1/2 of Powell, Ravalli and Sanders Counties

POWER EQUIPMENT OPERATORS

A-Frame Truck Crane, Winch Truck and similar
Air Compressor, single
Air Compressor, two or more
Air Doctor
Asphalt Paving Machine
Asphalt Paving Machine Screed
Automatic Finegrader, Curries and other similar types
Belt Finish Machine
Bit Grinder
Bituminous Mixer Paving, Travel Plant
Boring Machine (small), jeep, pickup or farm tractor mounted
Boring Machine (large)
Broam, self-propelled
Cableway Rightline
Cement Silo
Central Mixing Plants, Concrete dam and stationary
Chain Bucket Loader
Chip or Gravel Spreader, self-propelled
Concrete Batch Plant, one and two mixers
Concrete Batch Plant, three mixers and four mixers
Concrete Batch Plant, five mixers and over
Concrete Batch Plant, up to and incl. two mixers
Concrete Batch Plant, three mixers and over
Concrete Bucket Dispatcher
Concrete Curing Machine
Concrete Finish Machine Paving
Concrete Floot-Spreader
Concrete Mixer, three bags and under
Concrete Mixer, four bags and over

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
8.50	.50	.45	.15	.03
8.19	.50	.45	.15	.03
8.36	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.79	.50	.45	.15	.03
8.36	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.25	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.33	.50	.45	.15	.03
9.17	.50	.45	.15	.03
8.65	.50	.45	.15	.03
8.91	.50	.45	.15	.03
8.38	.50	.45	.15	.03
8.38	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.86	.50	.45	.15	.03
9.06	.50	.45	.15	.03
8.18	.50	.45	.15	.03
8.49	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.25	.50	.45	.15	.03
8.42	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)

Concrete Power Saw, self-propelled
Concrete Travel Batcher
Conveyor Loader, up to and incl. 42" belt
Conveyor Loader, over 42" belt
Crane, to and incl. 80' boom with jib
Crane, 81' to 130' boom
Crane, 131' to 150' boom
Crane, 151' boom and over
Crane Oiler
Crusher
Crusher Oiler and Halper
Crusher Conveyor, when required
Distributor
DW 10, 15, or 20 Tractor pulling roller
Electric Overhead Cranes
Elevating Grader
Farm Type Tractor, up to and incl. 50 HP Engine
Farm Type Tractor, over 50 HP Engine
Field Equipment Serviceman
Field Equipment Serviceman Helper
Fireman
Forklift, on construction job site
Form Grader
Gradeall
Grade Setter
Heavy Duty Drill, all types
Heavy Duty Driller Helper
Herman-Nelson Heaters & similar type
Hoist, Single drum
Hoist, two or more drums
Helicopter Hoist
Hot Plant
Hot Plant Fireman, when in Operation
Hot Plant Oiler, 100 ton per hour or over
Hydra lift and similar types

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.24	.50	.45	.15	.03
8.36	.50	.45	.15	.03
8.82	.50	.45	.15	.03
8.97	.50	.45	.15	.03
9.02	.50	.45	.15	.03
9.07	.50	.45	.15	.03
8.23	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.15	.50	.45	.15	.03
8.12	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.38	.50	.45	.15	.03
8.84	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.12	.50	.45	.15	.03
8.20	.50	.45	.15	.03
8.58	.50	.45	.15	.03
8.15	.50	.45	.15	.03
8.25	.50	.45	.15	.03
8.47	.50	.45	.15	.03
8.43	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.12	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.25	.50	.45	.15	.03
8.20	.50	.45	.15	.03
8.43	.50	.45	.15	.03
8.66	.50	.45	.15	.03
9.16	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.15	.50	.45	.15	.03
8.56	.50	.45	.15	.03

POWER EQUIPMENT OPERATIONS* (Cont'd)

Basic Monthly Rates	Fringe Benefits Payments			App. %
	H & V	Pensions	Vacation	
8.66	.50	.45	.15	.03
9.04	.50	.45	.15	.03
8.79	.50	.45	.15	.03
8.89	.50	.45	.15	.03
9.13	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.84	.50	.45	.15	.03
9.11	.50	.45	.15	.03
9.24	.50	.45	.15	.03
8.15	.50	.45	.15	.03
8.36	.50	.45	.15	.03
8.79	.50	.45	.15	.03
9.11	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.89	.50	.45	.15	.03
9.09	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.84	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
9.19	.50	.45	.15	.03
8.56	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.66	.50	.45	.15	.03
8.15	.50	.45	.15	.03
8.86	.50	.45	.15	.03

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Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Provision	Vacation	
POWER EQUIPMENT OPERATOR (Cont'd.)				
Concrete Conveyor under 40 feet	.50	.45	.15	.03
Concrete Conveyor over 40 feet	.50	.45	.15	.03
Concrete Pump	.50	.45	.15	.03
Crane, to and incl. 80' boom	.50	.45	.15	.03
Crane, 81' to 150' boom	.50	.45	.15	.03
Crane, 151' to 190' boom	.50	.45	.15	.03
Crane, 191' to 250' boom	.50	.45	.15	.03
Crane, 251' boom and over	.50	.45	.15	.03
Crawler Oiler	.50	.45	.15	.03
Crawler	.50	.45	.15	.03
Crawler Oiler and Helper	.50	.45	.15	.03
Crawler Conveyor, when required	.50	.45	.15	.03
Distributor	.50	.45	.15	.03
DM 10, 15 or 20 Tractor pulling roller	.50	.45	.15	.03
Electric Overhead Cranes	.50	.45	.15	.03
Elevating Grader	.50	.45	.15	.03
Farm Type Tractor, up to and incl. 50 HP Engine	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	.50	.45	.15	.03
Field Equipment Serviceman	.50	.45	.15	.03
Field Equipment Serviceman Helper	.50	.45	.15	.03
Forklift, on construction job site	.50	.45	.15	.03
Form Grader	.50	.45	.15	.03
Grassall	.50	.45	.15	.03
Grade Setter	.50	.45	.15	.03
Heavy Duty Drill, all types	.50	.45	.15	.03
Heavy Duty Driller Helper	.50	.45	.15	.03
Seaman-Walton Heaters & similar type	.50	.45	.15	.03
Hoist, single drum	.50	.45	.15	.03
Hoist, two or more drums	.50	.45	.15	.03
Helicopter Hoist	.50	.45	.15	.03
Hot Plant	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	.50	.45	.15	.03
Hydra lift and similar types	.50	.45	.15	.03
Industrial locomotive all classes	.50	.45	.15	.03
Mechanic and/or Welder on job	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	.50	.45	.15	.03
Mixer	.50	.45	.15	.03
Mixer Helper	.50	.45	.15	.03
Motor Patrol	.50	.45	.15	.03
Mountain Logger or similar type	.50	.45	.15	.03

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REMAINING COUNTIES

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Provision	Vacation	
POWER EQUIPMENT OPERATOR (Cont'd.)				
A-Frame Truck Crane, Winch Truck & similar	.50	.45	.15	.03
Air Compressor, single	.50	.45	.15	.03
Air Compressor, two or more	.50	.45	.15	.03
Air Doctor	.50	.45	.15	.03
Asphalt Paving Machine	.50	.45	.15	.03
Asphalt Paving Machine Screed	.50	.45	.15	.03
Automatic Finishing Machine	.50	.45	.15	.03
other similar types	.50	.45	.15	.03
Bit Finish Machine	.50	.45	.15	.03
Bit Grinder	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	.50	.45	.15	.03
Boring Machine (large)	.50	.45	.15	.03
Broom, self-propelled	.50	.45	.15	.03
Cableway Rightline	.50	.45	.15	.03
Cement Silo	.50	.45	.15	.03
Central Mixing Plants, Concrete dam & stationary	.50	.45	.15	.03
Chain Bucket Loader	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	.50	.45	.15	.03
Concrete Batch Plant, one & two mixers	.50	.45	.15	.03
Concrete Batch Plant, three & four mixers	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to & incl. two mixers	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	.50	.45	.15	.03
Concrete Bucket Dispatcher	.50	.45	.15	.03
Concrete Curing Machine	.50	.45	.15	.03
Concrete Finish Machine Paving	.50	.45	.15	.03
Concrete Float-Spreader	.50	.45	.15	.03
Concrete Mixer, three bags & under	.50	.45	.15	.03
Concrete Mixer, four bags & over	.50	.45	.15	.03
Concrete Power Saw, self-propelled	.50	.45	.15	.03
Concrete Travel Batcher	.50	.45	.15	.03

DECISION NO. MT75-5128

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Penalties	Vacation	
\$ 9.09	.50	.45	.15	.03
8.84	.50	.45	.15	.03
8.94	.50	.45	.15	.03
9.20	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.89	.50	.45	.15	.03
9.16	.50	.45	.15	.03
9.29	.50	.45	.15	.03
8.20	.50	.45	.15	.03
8.41	.50	.45	.15	.03
8.84	.50	.45	.15	.03
9.16	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.94	.50	.45	.15	.03
9.04	.50	.45	.15	.03
9.14	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.89	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.71	.50	.45	.15	.03
9.24	.50	.45	.15	.03
8.61	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.20	.50	.45	.15	.03

POWER EQUIPMENT OPERATORS (Cont'd.)
 Scraper, single or twin engine pulling belly dump trailer
 Scraper, single engine
 Scraper, twin engine
 Scraper, tandem engine
 Self-propelled Sheepsfoot & similar type
 Shovels, incl. all attachments, under 1 cu. yd.
 Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yds.
 Shovels, incl. all attachments, over 3 cu. yds. to & incl. 5 cu. yds.
 Shovels, incl. all attachments, over 5 cu. yds.
 Shovel Oiler, 3 yds. & under
 Shovel Oiler, over 3 cu. yds.
 Slip Form Paver
 Skid Leg Derrick & Quay Derrick
 Track-type Front End Loaders; up to & incl. 5 cu. yds.
 Track-type Front End Loaders; over 5 cu. yds. to & incl. 10 cu. yds.
 Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.
 Track-type Front End Loaders, over 15 cu. yds.
 Track-type Tractor w/o attachments
 Track-type Tractor, on Build Loader
 Trenching Machine
 Turnhead Conveyor, or Head Tower on Batch Plant
 Wagner Roller & similar type
 Whirley Crane
 Whirley Crane Oiler
 Water Pull when used for compaction
 Washing & Screening Plant
 Washing & Screening Plant Oiler

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Penalties	Vacation	
\$ 8.71	.50	.45	.15	.03
8.28	.50	.45	.15	.03
8.20	.50	.45	.15	.03
8.61	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.84	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.24	.50	.45	.15	.03
8.71	.50	.45	.15	.03
9.01	.50	.45	.15	.03
9.29	.50	.45	.15	.03
9.29	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.30	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.41	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.42	.50	.45	.15	.03
8.71	.50	.45	.15	.03
8.83	.50	.45	.15	.03
8.93	.50	.45	.15	.03
9.03	.50	.45	.15	.03
9.13	.50	.45	.15	.03
8.71	.50	.45	.15	.03

POWER EQUIPMENT OPERATORS (Cont'd.)
 Mucking Machine
 Oiler-Driver, Rubber-tired Cranes
 Oilers, other than Shovels and Cranes
 Oiler, hoist house, dams
 Pavement Breaker, Emeco and similar
 Paving & Mixing Machine
 Power Auger, large Truck or Tractor mounted
 Power Mixer, single or double drum
 Power Saw, multiple cut, self-propelled
 Pumpcrete or Grout Machine
 Pumpjack
 Pusher
 Quad Cat
 Quad Loader & similar type
 Raygo Giant
 Refrigerator Plant
 Retort
 Roller, on blade or hot mix oil
 Paving
 Roller, on other blade or hot mix
 Farling
 Roller, 25 ton or over
 Ross & similar type Carriers, on construction site
 Rubber-tired Doser
 Rubber-tired Front End Loader, 1 yd. & under
 Rubber-tired Front End Loader, 1 yd. to & incl. 5 yds.
 Rubber-tired Front End Loader, over 3 yds. to & incl. 5 yds.
 Rubber-tired Front End Loader, over 5 yds. to & incl. 10 yds.
 Rubber-tired Front End Loader, over 10 yds. to & incl. 15 yds.
 Rubber-tired Front End Loader, over 15 yds.
 Scraper, UW 15, 20, 21 & similar type if power unit is not used

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DECISION NO. MT75-5128

TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
COMBINATION TRUCK: Concrete Mixer and Transit Mixer: To and incl. 4 cu. yds. Over 4 cu. yds. to and incl. 6 cu. yds. Over 6 cu. yds. to and incl. 8 cu. yds. Over 8 cu. yds. to and incl. 10 cu. yds. Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment	7.72 .50 7.80 .50 7.88 .50 7.96 .50	.40 .40 .40 .40		
DISTRIBUTOR DRIVER AND HELPER	7.65	.40		
DRY BATCH TRUCKS: 3 Batch or under Over 3 Batch to and incl. 5 Batch Over 5 Batch to and incl. 10 Batch Over 10 Batch to and incl. 15 Batch Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment	7.47 7.60 7.76 7.92	.40 .40 .40 .40		
PICKUP DRIVER, HAULING MATERIALS	7.57	.40		
TUNERMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers Warehousemen, Partimen, Cardex men, Warehouse Expediter	7.47 7.67	.40 .40		
BOMB TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDE-BOARDS: 7 cu. yds. or less Over 7 cu. yds. to and incl. 10 cu. yds. Over 10 cu. yds. to and incl. 15 cu. yds.	7.47 7.60 7.76	.40 .40 .40		

LABORERS

Cascadia, Chouteau, Fernus, Glacier (excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dump-man (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrails, medium rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Calisson Work-ers (Free Air); Vibrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws; Creosote Material Handler; Carb Machine Form Setter (Slab Steel Forms); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Magon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamping, Macker, Jay, Turtle, Pogo Sticks, etc.; Mechanical Tampers; Mortarless, Air and Water, Comite and Placo, Machine (Groot); Pipe Layer (all types); Power Saw (backing and falling); Power Driven Wheelbarrow; Chuck Tenders, Muckers and Rippers, Pileman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 5: Diamond Drills up through 6 inches in diameter; Rod Carriers and Flaster Tenders (1 - one mixerman per crew); Asphalt Baker and Taper; High Scaler; Powderman Helper; Concrete Mortarless; Miners; Barco Taper; Air-Tec

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

TRUCK DRIVERS (Cont'd)

WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:
 2,500 gallons and under
 Over 2,500 gallons to and incl.
 4,500 gallons
 Over 4,500 gallons to and incl.
 6,000 gallons
 Over 6,000 gallons to and incl.
 8,000 gallons
 Over 8,000 gallons to and incl.
 10,000 gallons
 Over 10,000 gallons - additional
 \$.08 per hour each additional
 2,000 gallons increment

TRUCKS WITH POWER EQUIPMENT IF
 UNDER TRANSFER JURISDICTION, SUCH
 AS:

Winch, A-frame, Swedish Crane,
 Hydra-lift, Groutcrete, and
 Combination mulching, seeding
 and fertilizing

TRUCK MECHANIC

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 7.47	.50	.40		
7.76	.50	.40		
7.96	.50	.40		
8.02	.50	.40		
8.10	.50	.40		
7.72	.50	.40		
8.21	.50	.40		

DECISION NO. MTT-5178

(Flathead, Lake and Lincoln Cos.)

LINE CONSTRUCTION

All construction of "m" fixture and
 Steel Tower Transmission Lines with
 capacity of 69 K.V. voltages &
 over, switch yard and substation
 rated at 5000 K.V.A. & all work not
 covered by Schedule "B".

SCHEDULE "A"

GROUNDMAN "B"

GROUNDMAN "A" (experienced)

POWDERMAN; JACKHAMMER-COMPRESSORMAN

LINE EQUIPMENT OPERATOR

LINEMAN

CABLE SPlicer

SCHEDULE "B"

All work for Power Utilities & R.E.
 A's except work covered under
 Schedule "A", all Highway Lighting,
 Street Lighting & Motor Traffic
 Controlling.

GROUNDMAN

JACKHAMMER-COMPRESSORMAN; Powderman

LINE EQUIPMENT OPERATOR

LINEMAN; Pole Sprayer

TREE TRIMMER

CABLE SPlicer

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 5.08	.25	.12		12
5.87	.25	.12		12
6.25	.25	.12		12
7.20	.25	.12		12
8.43	.25	.12		12
9.37	.25	.12		12
5.38				12
5.71	.25	.12		12
6.55	.25	.12		12
7.45	.25	.12		12
7.74	.25	.12		12
8.38	.25	.12		12

DECISION NO. MT75-5128

REMAINING COUNTIES

LINE CONSTRUCTION:
(Jobs 69,000 volts or less)

Cable-splicer
 Linemen
 Line equipment operators;
 Foreman
 Experienced groundmen (1,000 hrs);
 Truck drivers
 Groundmen
 (Jobs over 69,000 volts) and/or
 (projects of \$400,000 or over)
 Cable splicers
 Linemen; Pole sprayer
 Line equipment operators;
 Foreman
 Groundmen

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
8.77	.35	11		3/41
7.94	.35	11		3/41
7.77	.35	11		3/41
6.13	.35	11		3/41
5.44	.35	11		3/41
8.99	.35	11		3/41
8.54	.35	11		3/41
7.83	.35	11		3/41
6.46	.35	11		3/41

MONTANA - DREDGING

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
\$ 8.34	.45	.70		.04
8.44	.45	.70		.04
8.44	.45	.70		.04
8.78	.45	.70		.04
8.78	.45	.70		.04
8.83	.45	.70		.04
8.83	.45	.70		.04
8.88	.45	.70		.04
9.20	.45	.70		.04
9.59 10.14	.45 .45	.70 .70		.04 .04

STATE: Oregon
DECISION NUMBER: OR75-5123
Supercedes Decision No. OR75-5111 dated September 5, 1975, in 40 FR 41371
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.
COUNTIES: Statewide
DATE: Date of Publication

FEDERAL REGISTER, VOL. 40, NO. 198—FRIDAY, OCTOBER 10, 1975

DR 75-5123

Description	Basic Hourly Rates	Fringe Benefits Payments			
		M & M	Pensions	Vacation	App. Tr.
Deputy	\$5.50				
1-10: Sign Painter			.45	.30	.03
1-11: Sandblasting; Swing	5.75				
1-12: Taping and Paperhanging					
1-13: Remailing Counties	8.59	.35	.45	.30	.03
1-14: High Towers, Ground to	8.84	.35	.45	.30	.03
1-15: High Towers, Ground to	9.09	.35	.45	.30	.03
1-16: High Towers, ground to over 300'	9.59	.35	.45	.30	.03
1-17: Wall Finisher	7.81	.40	.40	.50	.06
1-18: Section, Coos, Crook, Curry,					
1-19: Shutes, Douglas, Grant,					
1-20: Farney, Jackson, Jefferson,					
1-21: Josephine, Klamath, Lake, Lane,					
1-22: Lincoln, Linn, Malheur (South					
1-23: Side), Wasco (including the City					
1-24: and Waspin and south thereof) and	8.50	.50	.60		.01
1-25: Seller Counties	8.50	.50	.60		.01
1-26: Remaining Counties					
1-27: Steamfitters:					
1-28: Baker; Harney (except SW portion);	8.79	.37	.40		.10
1-29: Malheur Counties					
1-30: (except SW corner); Morrow,					
1-31: Multnomah, Multnomah, Union Counties	10.11	.33	.85	.62	.10
1-32: of Benton, Lincoln and Linn					
1-33: Counties; 3/4 of Tillamook, and					
1-34: Tillamook Counties; Marion and					
1-35: Tillamook Counties	9.23	.56	1.18	1.00	.10
1-36: Astoria, Clatsop, Columbia,					
1-37: Clatsop, Hood River, Jefferson,					
1-38: Tillamook, Sherman, Wasco,					
1-39: Wasco, Washington, 3/4 of					
1-40: Tillamook Counties, 3/4 of Tillamook					
1-41: County	9.97	.70	1.55		.08
1-42: Coos, Curry, West Coast portion of					
1-43: Douglas, Lane (City of Florence)	9.14	.66	.77		.0175

DECISION NO. 0875- 5123

Basic Monthly Rates	Fringe Benefits Payments			
	H & W	Features	Vacation	App. T.
9 7.28	.31	.25	.28th	.01
7.20	.26	.30	6.5%	
8.90	.58	.90	.25	.05
8.75	.30			
10.13	.55	.75		.08
9.20	.40	.50		
8.05	.45	.60		.10
8.27	.65	.80		.02
7.26	.25	.10		.02
7.36	.25	.10		.02
7.73	.25	.10		.02

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LINE CONSTRUCTION:

Cable Splicers; Leadman Pole
 Sprayer; Pole Sprayer; Heavy
 Lineman; Pole Sprayer; Heavy
 Line Equipment Man; Certified
 Lineman Welder
 Tree Trimmer
 Line Equipment Man
 Head Groundman (Chipper); Head
 Groundman; Powderman; Jackhammer
 Man
 Groundman; Tree Trimmer Helper

DREDGING:

Leverman
 Dipper
 Hydraulic
 Assistant Engineer (including
 watch engineer, welder, mechanic,
 and machinist); Mate
 Tenderman (boatman, attending
 dredge plant); Fireman
 Assistant Mate (deckhand); Oilier

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	M L W	Pension	Vacation		
\$11.12	.35	1%	.10		1/2%
10.04	.35	1%	.10		1/2%
9.06	.35	1%	.10		1/2%
8.65	.35	1%	.10		1/2%
7.96	.35	1%	.10		1/2%
7.12	.35	1%	.10		1/2%
9.06	.55	.85	.35		.05
8.40	.55	.85	.35		.05
8.04	.55	.85	.35		.05
7.80	.55	.85	.35		.05
7.54	.55	.85	.35		.05

LABORERS

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	\$7.37	\$7.77	\$8.12	\$8.37	\$8.62	\$8.87
Group 2	7.72	8.12	8.47	8.72	8.97	9.22
Group 3	8.02	8.42	8.77	9.02	9.27	9.52
Group 4	8.27	8.67	9.02	9.27	9.52	9.77

FRINGE BENEFITS:
 Health and Welfare
 Pension

Vacation
 Apprenticeship Training

\$.65
 .80

\$.50
 .10

TRUCK DRIVERS

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	\$8.48	\$8.88	\$9.23	\$9.48	\$9.73	\$9.98
Group 2	8.53	8.93	9.28	9.53	9.78	10.03
Group 3	8.58	8.98	9.33	9.58	9.83	10.08
Group 4	8.63	9.03	9.38	9.63	9.88	10.13
Group 5	8.68	9.08	9.43	9.68	9.93	10.18
Group 6	8.78	9.18	9.53	9.78	10.03	10.28
Group 7	8.88	9.28	9.63	9.88	10.13	10.38
Group 8	8.98	9.38	9.73	9.98	10.23	10.48
Group 9	9.08	9.48	9.83	10.08	10.33	10.58
Group 10	9.25	9.65	10.00	10.25	10.50	10.75
Group 11	9.35	9.75	10.10	10.35	10.60	10.85
Group 12	9.45	9.85	10.20	10.45	10.70	10.95
Group 13	9.55	9.95	10.30	10.55	10.80	11.05
Group 14	9.65	10.05	10.40	10.65	10.90	11.15

FRINGE BENEFITS:
 Health and Welfare
 Pension

Vacation
 Apprenticeship Training

\$.53
 .65

\$.45
 .05

DECISION NO. OR75-5123

COMMITTEE NUMBER OR75-5123

LABORERS
TRUCK DRIVERS
POWER EQUIPMENT OPERATORS
ZONE WAGE SCALE

POWER EQUIPMENT OPERATORS

WAGE RATES:

Rate No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	\$8.30	\$8.70	\$9.05	\$9.30	\$9.55	\$9.80
2	8.44	8.84	9.19	9.44	9.69	9.94
3	8.54	8.94	9.29	9.54	9.79	10.04
4	8.70	9.10	9.45	9.70	9.95	10.20
5	8.72	9.12	9.47	9.72	9.97	10.22
6	8.80	9.20	9.55	9.80	10.05	10.30
7	8.85	9.25	9.61	9.86	10.11	10.36
8	8.96	9.36	9.71	9.96	10.21	10.46
9	9.02	9.42	9.77	10.02	10.27	10.52
10	9.08	9.48	9.82	10.08	10.33	10.58
11	9.10	9.50	9.85	10.10	10.35	10.60
12	9.16	9.56	9.91	10.16	10.41	10.66
13	9.24	9.64	9.99	10.24	10.49	10.74
14	9.40	9.80	10.15	10.40	10.65	10.90
15	9.56	9.96	10.31	10.56	10.81	11.06
16	9.74	10.14	10.49	10.74	10.99	11.24
17	9.88	10.28	10.63	10.88	11.13	11.38
18	10.06	10.46	10.81	11.06	11.31	11.56
19	10.20	10.60	10.95	11.20	11.45	11.70

FRINGE BENEFITS:

Health and Welfare	\$.75
Pension	1.00
Vacation	.50
Apprenticeable Tr.	.05

Portland Only

Zone A - All jobs or projects located within 25 miles of the City Hall of Portland

Zone C - More than 25 miles but less than 35 miles from City Hall

Zone D - More than 35 miles but less than 45 miles from City Hall

Zone E - More than 45 miles but less than 75 miles from City Hall

Zone F - More than 75 miles from City Hall

Eugene and Salem Only

Zone A - All jobs or projects located within 20 miles of the respective City Hall

Zone B - More than 20 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

DECISION NO. 0825-5123

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Magnolia Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Bars, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2-1/2 cu. yds. and under; Back Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Cement Pump, Feller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2-1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or Grader; Pot Hammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drums; Generator Operator; Belt Loaders, Kolman and No. Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-Boat, 5 ton capacity or less; Grizzly Crushers; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2-1/2 cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H. D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, Maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TCL2 and similar); Cable plover (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H. D. Mechanic-Welder; Barge patched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Parcasson, Diamond, Core, Cable, Rotary and similar type

DECISION NO. 0875-5123

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail Equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feedman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Drill Helper; Auger Oiler; Bottom; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Hoisting Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power actuated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, Grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Fugall Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power); under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy Phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gamble work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-Lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jambo, setting Slip Forms, etc., in tunnels; Slip Forms Pumps, power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulverizer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type), self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

DECISION NO. 0875-5113

TRUCK DRIVERS

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof; 6 cu. yds. and under; Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and mist, body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity), up to 1600 gallons; Transit Mix and wet or dry mix trucks 5 cu. yds. and under.

Group 2: "A" Frame of Hydra-lift Truck w/load bearing surfaces; Lubrication Man, Fuel Truck Driver, Tiresman, Wash Back, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof; over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Tiresman (full-time basis); Water Wagons (rated capacity), 1600 to 3000 gallons

Group 4: Flatbed Spread Driver or Leverman; Low Bed Equipment, Flat Bed Semi-truck and Trailer or dobles transporting Equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity), 3000 to 5000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi trucks and Trains or combinations thereof, over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder-Body Repairman; Water Wagons (rated capacity) 3000 to 7000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof; over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof; over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 13 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons

DECISION NO. 0875-5123

POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Mixer Mobile; Concrete Breakers; Crane Operator, 15 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.; Grader-alls, under 1 cu. yd.; Mocking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or wet mix, 3 units or more; Reinforced Tank Batching Machine (N-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with push-pull attachments, self-loading, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Soist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid or similar; Back Filling Machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grader-alls, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Centry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Bound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

DECISION NO. GR75-5123

TRUCK DRIVERS (cont'd)

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add \$.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

SUPERSEDING DECISION

STATE: Rhode Island

COUNTIES: Bristol, Kent, & Providence Counties

DECISION NUMBER: R175-2116
 SUPERSEDING DECISION NUMBER: R175-2031, dated February 7, 1975 in 40 FR 6128.
 DESCRIPTION OF WORK: Building Construction (including Residential in Providence County), Heavy, Highway, and Marine Construction.

DECISION NO. R175-2116

BUILDING CONSTRUCTION	Basic Hourly Rates	Prime Benefits Payments			App. Tr.
		M & B	Premiums	Vacation	
Asbestos workers	\$9.32	.71	.63		.01
Boilermakers	10.00	.60	10%		
Bricklayers, cement masons, and stonemasons:					
Ashton, Barkley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket, and Valley Falls	9.65	.35	.35		.01
Bricklayers, cement masons, plasterers, stonemasons, marble, tile and terrazzo workers:					
Woonsocket, W. Smithfield, Burdette, and Cumberland Hill	9.05	.40	.40		.01
Bristol and Kent Counties, and remainder of Providence County:					
Bricklayers and stone masons	9.15	.65	.55		.01
Cement masons	8.85	.50	.35		
Marble, tile, and terrazzo workers	9.35	.65	.55		
Plasterers	8.85	.50	.35		
Carpenters, soft floor layers, piledrivers:					
Hartsville, W. Smithfield, and Woonsocket	8.76	.60	.60		
Residential	7.00	.60	.60		
Bristol and Kent Counties, & remainder of Providence County:					
Carpenters, soft floor layers and piledrivers	9.00	.60	.60		.05
Millwrights	9.25	.60	.60		.05
Residential	7.10	.60	.60		.05
Electricians:					
Building	9.40	.48	12+ .90		.02
Residential, up to and including 3 stories	6.00	.38	12		.02
Elevator constructors	9.39	.445	.28	32+ .45	.02
Elevator constructors' helpers	7.00	.445	.29	32+ .45	.02
Elevator constructors' helpers (prob.)	5.00	.445	.29	32+ .45	.02
Glaziers	8.48	.47	.65		.01
Ironworkers	9.43	.55	1.40		.05
Laborers:					
Laborers, building:					
Laborers, carpenter tenders, cement finisher tender, and mason tenders	7.50	.50	.45		.10

Laborers (Continued):	Basic Hourly Rates	Prime Benefits Payments			App. Tr.
		M & B	Premiums	Vacation	
Jackhammer ops, paving breaker, chain saw ops, vinylayers, mechanical grinder, all other pneumatic tools, bar-type jumping tampers	7.25	.50	.45		.10
Air track ops, block pavers, rammers, and curb setters	8.00	.50	.45		.10
Plasterers' tenders	7.75	.50	.45		.10
Foundmen, blasters	8.45	.50	.45		.10
Laborers: Drilling:					
Laborers, signalmen	7.50	.50	.45		.10
Adzemen, burner, jackhammer	7.75	.50	.45		.10
Lathers	9.25	.45	.55		.01
Liquidators	9.25	.35		c	.01
Line Construction:					
Linenmen	7.36	.30	12	d	
Driver Groundman	7.77	.30	12	d	
Groundman	6.39	.30	12	d	
Equipment operator	8.34	.30	12	d	
Marble, tile, & terrazzo workers' helpers	7.23		.50		
Painters:					
Brush and roller	8.65	.55	.55		
Structural steel & steam cleaning	7.50	.55	.55		
Spray and sand or water blasting, and pot man	9.65	.55	.55		
Air power brush	9.15	.55	.55		
Plumbers	9.84	.75	.70		.07
Roofers:					
Composition, waterproofers	9.20	.45	.25		
Slate, tile and precast concrete	9.40	.45	.45		
Helpers Class A	8.35	.45	.45		
Helpers Class B	7.80	.45	.45		
Sheet metal worker	9.53	.66	.75		.04
Sprinkler fitters	9.64	.50	.70		.01
Steamfitters, pipefitters	9.85	.70	.91		.07
Truck drivers: Building					
2-axis; dumps	7.35	.48	.5125		
3-axis; trailers	7.43	.48	.5125		
Low beds, trailers (24 tons & over), trailers (11-ton), specialized earth moving equipment (excavator type)					
Excavator type equipment over 35 ton capacity	7.68	.48	.5125		
Welders: Fabricating:					
Welders, site prescribed for craft performance to which welding is	7.93	.48	.5125		

PAID HOLIDAYS:
 A - New Year's Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - Christmas Day.

FOOTNOTES:

- Employer contributes 1/2 basic hourly rate for 5 years or more of service or 3/4 basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Holidays: A through F.
- Holidays: A through F., Washington's Birthday, Good Friday and Christmas Eve provided employee has worked 15 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- Paid Holidays: A through F, Columbus Day providing employee has been employed 5 working days prior to the holiday and provided the employee worked the scheduled work days immediately preceding and following the holiday.
- Paid Holiday: "G".

DECISION NO. 1173-1116

HOIST, WINDY, AND WATNE CONSTRUCTION

Basic Hourly Rate	Fringe Benefits Payments			App. To
	M L W	Provision	Vacation	
9.10	.55	.45		.01
9.41	.60	.60		.05
7.25	.50	.35		
9.40	.48	12+.82		.02
9.43	.55	1.40		.05
7.50	.50	.45		.10
Adm'n, asphalt rollers, barco type jumping tampers, chain saw ops, concrete saw ops, demolition burners, fence and guard rail erectors, grinder ops, mortar mixers, pipe layers, pipe trench bracers, pneumatic tool ops, tiptrap and dry stockwall builders, setters of metal forms for roadways, stamper ops, tree toppers, tree trimmers, wagon drill ops, wood chipper ops, concrete and power buggy ops				
7.75	.50	.45		.10
Air track ops, paver, rammer, and curb setters				
8.00	.50	.45		.10
8.25	.50	.45		.10
Blasters and powdermen				
Line Construction:				
Linenmen				
9.36	.30	11		
7.77	.30	11		
6.33	.30	11		
7.37	.30	11		
Equipment operator				
Groundman				
Driver groundman				
Painters:				
Brush and roller				
8.65	.55	.55		
8.90	.55	.55		
Structural steel, steam cleaning				
9.65	.55	.55		
Spray and pot man				
9.15	.55	.55		
Air power brush				
9.84	.75	.70		.07
Plumbers				
Welders- receive rate prescribed for craft performing operation to which welding is incidental				

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DECISION NO. E175-2116

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Holidays: A through F, Columbus Day provided employee has been employed 5 work days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY**CONSTRUCTION****POWER EQUIPMENT OPERATORS**

- Class I
Class II
Class III
Class IV
Class V
Class VI
Class VII
Class VIII
Class IX
Class X
Class XI
Class XII
Class XIII
Class XIV

H. I. 1-PSO-3 R			
Basic Hourly Rates	M & V	Per Diem	App. To
\$9.42	.50	.85	.075
8.57	.50	.85	.075
7.95	.50	.85	.075
6.95	.50	.85	.075
7.90	.50	.85	.075
8.02	.50	.85	.075
8.00	.50	.85	.075
7.65	.50	.85	.075
7.77	.50	.85	.075
6.80	.50	.85	.075
6.25	.50	.85	.075
7.85	.50	.85	.075
9.92	.50	.85	.075
10.17	.50	.85	.075

CLASSIFICATIONS

- Class I Digging machines, cranes, piledrivers, lighters, locomotives, derrick, hoists, havers, front end loaders 3 to 4 Yds., automobile, road carriers
- Class II Fork lifts
- Class III Firemen
- Class IV Oilers
- Class V Bulldozers, spreader, roller, front end loader less than 3 Yds., tractors
- Class VI Scrapers, graders, dozer pusher operator
- Class VII Pippin type backhoe operator
- Class VIII Maintenance engineer
- Class IX Gas & electric driven havers, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
- Class X Test boring machine operator
- Class XI Test boring machine assistant
- Class XII Well point installation crews
- Class XIII Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
- Class XIV Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

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REVENUE ISLAND-1-PS-2-3-1

HEAVY & HIGHWAY CONSTRUCTION
TRUCK DRIVERS

	Fringe Benefits Payments			
	Basic Monthly Rates	H & W	Vacation	App. To
Class I	\$7.12	.50	.50	a-b
Class II	7.27	.50	.50	a-b
Class III	7.32	.50	.50	a-b
Class IV	7.42	.50	.50	a-b
Class V	7.52	.50	.50	a-b
Class VI	7.77	.50	.50	a-b
Class VII	8.02	.50	.50	a-b

Class I
Pick-up trucks, Station Wagon and Panel TrucksClass II
Two Axle, Helpers on Low BedsClass III
Three Axle Equipment and ready mix equipmentClass IV
Four & Five Axle EquipmentClass V
Low and Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vao HaulClass VI
Special Earth Moving Equipment over 35 tonsClass VII
Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

ANNOTATIONS:

a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; F-J Day providing employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive 1 week's vacation; 5 years or more - 2 weeks vacation.

R175-2116, P. 8

R1-1-PEO-1-P

1 of 1

BUILDING CONSTRUCTION POWER
EQUIPMENT OPERATORS

	Fringe Benefits Payments			
	Basic Monthly Rates	H & W	Vacation	App. To
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	\$9.60	.50	.85	.075
Economobile type equipment	9.375	.50	.85	.075
Fork lift	9.175	.50	.85	.075
Firemen and Oilers	7.625	.50	.85	.075
Buildoers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.175	.50	.85	.075
Pippin type backhoes	8.325	.50	.85	.075
Maintenance Engineers	8.125	.50	.85	.075
Well-point Installation	8.25	.50	.85	.075
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.175	.50	.85	.075

R1-1-PEO-2-4-P

BRIDGES, CAISSONS, DOCKS, MARINE, PIERES, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS

	Fringe Benefits Payments			
	Basic Monthly Rates	H & W	Vacation	App. To
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers and front end loaders, 3 yds. and over	10.325	.50	.85	.075
Firemen and Oilers	8.20	.50	.85	.075
Buildoers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds.	8.875	.50	.85	.075
Maintenance Engineers	9.025	.50	.85	.075
Well-point Installation Crews	9.405	.50	.85	.075
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants	8.625	.50	.85	.075
Boat and Tug Operators	9.95	.50	.85	.075
Apprentices (Deckhands)	8.35	.50	.85	.075

SUPERSEDES DECISION

STATE: Washington
 DECISION NUMBER: WA75-5124
 DATE: Date of Publication
 SUPERSEDES DECISION No. WA75-5113 dated September 12, 1975, in 40 FR 42507
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

COUNTIES: Statewide

DECISION NO. WA75-5124

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
ASBESTOS WORKERS: Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties Clark, Cowlitz, Klickitat, Pacific (Southern portion), Shamas and Wahkiakum Counties Remaining Counties	\$10.11 9.96 10.80 8.90	.51 .50 .44 .65	.75 .80 .90 1.00		.10 .02
BOILERMAKERS BRICKLAYERS: Adams (except City of Obello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam area in Okanogan County Benton, Franklin, and Walla Walla Counties Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam) Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties Clark, Cowlitz, Pacific (Southern portion), Shamas, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County Grant County and that portion of Adams County including the City of Obello Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Counties	9.69 9.20 8.17 10.12 9.42 8.25 9.75	.55 .40 .45 .55 .50 .45 .50	.50 .40 .35 .35 .55 .50		.04 .25 .02 .08

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
BRICKLAYERS: (Cont'd) Grays Harbor, Lewis, Mason, Thurston, and Northern portion of Pacific County Pierce County San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties CARPENTERS: All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima) Carpenters Piledrivers; Floor Sanders; Saw Filers; Stationary Power Wood-working Tool Operator; Shingler (wood or composition) Boom Men; Carpenters (Cresosoted material) Piledrivers (cresosoted material) Millwright and Machine Erector All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Shamas and Wahkiakum Counties Carpenters Carpenters on Cresosoted material Scaffilers; Stationary power saw; Floor finisher; Floor layer; Shingler; Floor sander and other stationary power wood-working tools Millwrights and machine erectors Piledrivers; Bridge, dock and wharf builders Acoustical workers Boomen Drywall Applicators	\$8.45 9.79 9.85 9.04 9.19 9.24 9.29 9.44 9.54 9.10 9.20 9.23 9.60 9.25 9.26 9.30 9.10	.55 .55 .55 .55 .55 .55 .55 .55 .55 .50 .50 .50 .50 .50 .50 .50 .50	.30 .65 .45 .55 .55 .55 .55 .55 .55 .65 .65 .65 .65 .65 .65 .65 .65		.02 .045 .045 .045 .045 .045 .02 .02 .02 .02 .02 .01

DECISION NO. WA75-5114

CARPENTERS: (Cont'd)
Clark, Cowlitz, Klickitat,
Pacific (southern portion),
Skamania and Wahkiakum Counties
Carpenters; Form strippers;
Manhole builders; Acoustical
applicators
Piledrivers; bridge, dock and
wharf builders
Floor layers; Floor finishers;
Stationary power saw operator
Boorman
Millwrights; Machine Erectors
Drywall Applicator
CEMENT MASONS:
Adams, Asotin, Benton, Chelan,
Columbia, Douglas, Ferry,
Franklin, Garfield, Grant,
Kittitas (except for western
portion lying one mile west of
City of Easton), Lincoln,
Okanogan, Pend Oreille, Spokane,
Stevens, Walla Walla, Whitman
and Yakima Counties
Clallam, Grays Harbor, Island,
Jefferson, King (except City of
Auburn), Kitsap, Klickitat,
Auburn), Kittitas, Kittitas,
(western portion lying one mile
west of the City of Easton),
Mason, Pacific (northern portion)
San Juan, Skagit, Snohomish, and
Whatcom Counties
Clark, Cowlitz, Klickitat, Pacific
(southern portion), Skamania and
Wahkiakum Counties
Cement Masons
Composition materials and
power machinery
Lewis, Pierce, Thurston and the
City of Auburn in King County
ELECTRICIANS:
Adams, Ferry, Lincoln, Pend
Oreille, Spokane, Stevens and
Whitman Counties
Electricians
Cable Splicers

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$8.79	.35	.65	.35		.03
8.89	.55	.65	.35		.03
8.94	.55	.65	.35		.03
8.99	.55	.65	.35		.03
9.04	.55	.65	.35		.03
8.79	.55	.65	.35		.03
8.93	.50	.65			.04
9.02	.55	.90			.01
8.47	.55	.60	.60		.10
8.62	.55	.60	.60		.10
8.25	.50	.65			.02
8.05	.35	13+40			.02
8.45	.35	13+40			.02

DECISION NO. WA75-5124

ELECTRICIANS: (Cont'd)
Asotin, Benton, Columbia,
Franklin, Garfield, Kittitas,
Walla Walla and Yakima Counties
Electricians
Cable Splicers
Chelan, Douglas, Grant and
Okanogan Counties
Electricians
Cable Splicers
Clallam, Jefferson, King and
Kitsap Counties
Electricians
Cable Splicers
Clark, Klickitat and Skamania
Counties
Electricians
Cable Splicers
Cowlitz and Wahkiakum Counties
Electricians
Cable Splicers
Grays Harbor, Lewis, Mason,
Pierce, Pacific and Thurston
Counties
Electricians
Cable Splicers
Island, San Juan, Skagit,
Snohomish and Whatcom Counties
Electricians
Cable Splicers
ELEVATOR CONSTRUCTORS:
Adams, Asotin, Benton, Columbia,
Douglas, Ferry, Franklin,
Garfield, Grant, Lincoln,
Okanogan, Pend Oreille, Spokane,
Stevens, Walla Walla, and
Whitman Counties
Elevator Constructors
Elevator Constructors' Helpers
Elevator Constructors' Helpers
(Prob.)

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$9.85	.35	13+40			.02
10.835	.35	13+40			.02
9.90	.35	13+40			.02
10.89	.35	13+40			.02
10.30	.35	13+40			.03
11.33	.35	13+40			.03
10.10	.45	13+40			.02
10.85	.45	13+40			.02
9.76	.25	13	5%		.02
10.74	.25	13	5%		.02
8.92	.45	13+45	.36		.04
9.81	.45	13+45	.36		.04
9.95	.45	13+40			.01
10.95	.45	13+40			.01
8.975	.445	.29	33+4		.02
707LR	.445	.29	33+4		.02
507LR					

DECISION NO. 75-5194

Basic Monthly Rates	Fringe Benefits Payments			App. Tax
	H & W	Pensions	Unemployment	
EMPLOYERS: Statewide except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties Reimbursement; Structural; Fence Erectors; Ornamental; Biggers and Signalmen Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties Reimbursement; Structural; Fence Erectors; Ornamental; Biggers; Signalmen	.58	1.00		.05
EMPLOYERS: Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties Pierce County MARBLE SETTING: Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam Area in Okanogan County Benton, Franklin, and Walla Walla Counties Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam) Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Wooley and Concrete) Counties	.58	1.00	.25	.05
9.90	.45			
8.88	.40	.50		.02
7.50 7.25	.40			
9.69	.35	.40		.04
9.20	.40	.50		
8.27	.45	.60	.25	
10.12	.55	.75		.02

WAT5-5124

State Monthly Sales	Franchise Receipts Payments			
	M & W	Partners	Franchise	Apr. To
ELEVATOR CONSTRUCTORS: (Cont'd)				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	\$ 9.275 70%JR	.445 .445	.29 .29	.02 .02
Elevator Constructors Elevator Constructors' Helpers Elevator Constructors' Helpers (Prob.)	50%JR			
Clark, Cowitz, Klickitat, Pacific, (southern portion), Shamama and Wahkiakum Counties	7.97 70%JR	.445 .445	.29 .29	.02 .02
Elevator Constructors Elevator Constructors' Helpers Elevator Constructors' Helpers (Prob.)	50%JR			
CLATSOP:				
Adams, (northeastern portion), Lincoln (eastern half); Pend Orville, Spokane, and Stevens Counties	7.435	.31	.10	.545
Adams (southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	8.15	.40	.45	.83
Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Cos., Asotin, Garfield, and Whitman Cos., Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos.	7.08 7.28	.31 .31	.55 .25	.50 .16+6
Clark, Cowitz, Klickitat, Pacific (Southern portion), Shamama and Wahkiakum Counties	8.05	.22	.40	.02
Kittitas and Yakima Counties	7.20 6.41	.26 .25	.30 .25	.01

DECISION NO. WA75-5126

MADELE SETTERS: (Cont'd)	Rate	Payable	Vacation	App. Tr.
Clark, Cowlitz, Pacific (southern portion), Skamania, Wabikiam Counties and a ten mile strip bordering the Columbia River in Klickitat County	\$ 9.42	.55		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45		
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties	7.25	.50		
Grays Harbor, Lewis, Mason, Thurston and Northern half of Pacific Counties	8.45 9.66	.55 .65		.02
Pierce County				
San Juan, Skagit, (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.85	.55	.45	
MADELE, TILE AND TERRAZZO WORKERS:				
HELPER:				
All Counties east of the Cascade Mountain Range in Washington	6.55			
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wabikiam Counties)	8.12	.55		
WALSON TENDERS:				
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wabikiam Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	8.12	.65	.95	.10

DECISION NO. WA75-5124

DECISION NO. WA75-5124

PAINTERS: (Cont'd)

Kititas and Yakima Counties
Brush
Spray; Steel; Roller 9" or 10"
handles; Drywall Taper; Steam
Cleaning
Swing Stage over 30' high
Bitumastic; Bridges; Towers;
Tanks on legs; Steeples;
Stacks; Scaffolding

PLASTERERS:
Adams, Asotin, Benton, Columbia,
Ferry, Franklin, Garfield,
Grant, Kittitas (including the
City of Ellensburg and south
thereof); Lincoln, Pend Oreille,
Spokane, Stevens, Walla Walla,
Whitman, and Yakima Counties
Chelan, Douglas, Kittitas (north
of the City of Ellensburg), and
Okanogan Counties
Clallam, Island, Jefferson, King,
(except the City of Kent),
Kitsap, Pacific (Northern
portion), San Juan, Skagit and
Shoshone Counties
Clark, Cowlitz, Klickitat, Pacific
(southern portion), Skamania
and Wahkiakum Counties
Grays Harbor, King (City of Kent),
Lewis, Mason, Pierce and
Thurston Counties
PLASTERERS' TENDERS:
All Counties and portions of
Counties East of the 120th
Meridian

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pensions	Unemployment	
\$7.95	.31	.45		.02
8.20	.31	.45		.02
8.30	.31	.45		.02
8.35	.31	.45		.02
8.88	.45			
8.28	.45	.60		
9.35	.55	.80		.04
8.50	.50	.60		.01
9.50	.50	.70		.04
8.00	.50	.70		.02

DECISION NO. WA75-5124

PLUMBERS:
Challan, Clallam, King, Kittitas
(north of 47°15' N. Lat.),
Douglas (west of 119°30' W.
Long.), Jefferson and Okanogan
(except the area lying between
119°30' W. Long. and south of
48°30' N. Lat.) Counties
Adams (except area between a line
drawn south from the western
boundary of Ferry County to
Highway #10 eastward to Whitman
County), Asotin, Benton, Columbia,
Franklin, Garfield, Grant,
Klickitat, Walla Walla, Yakima,
Douglas (east of 119°30' W.
Long.), Ferry (west of a line
drawn from Creston in Lincoln
County southward to the Canadian
Border), Kittitas (south of 47°
15' N. Lat.), Lincoln (west of a
line drawn from Schrag in Adams
County northward to the Ferry
County line), and Okanogan (east
of 119°30' N. Lat.) Counties
Adams (area between a line drawn
south from the western boundary
of Ferry County to Highway #10
and eastward to Whitman County),
Asotin, Cowlitz, Ferry (east of a
line drawn from Creston in
Lincoln County northward to the
Canadian Border), Grays Harbor,
Kitsap, Lewis, Lincoln (east of
a line drawn from Schrag in Adams
County northward to the Ferry
County line), Mason, Pend Oreille,
Pierce, Skagit, Snohomish,
Spokane, Stevens, Thurston,
Wahkiakum, Whatcom, Whitman, and
Clark and Skamania (those portion
lying north of an east-west line
drawn through Woodland eastward
to the Klickitat County line) Cos.
Clark and Skamania Counties south
of an east-west line drawn through
Woodland eastward to the Klickitat
County line.

DECISION NO. WA75-5124

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pensions	Unemployment	
\$11.26	.65	1.12	1.00	.07
10.66	.65	1.10	1.00	.10
10.02	.65	1.10	1.00	.11
9.37	.70	1.00		.08

DECISION NO. WA75-5124

SOFT FLOOR LAYERS:

Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties
 Benton, Franklin and Walla Walla Counties
 Clallam, Island, Jefferson, Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties
 Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties
 Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties
 Yakima and Kittitas Counties

SPALLER FLINTERS:

Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Cos.
 Remaining Counties

TERRAZZO WORKERS:

Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co., Benton, Franklin and Walla Walla Counties
 Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)
 Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties
 Grant County and that portion of Adams County including the City of Othello

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pensions	Vacation	
\$ 7.89	.25	.40	.31	
7.29	.40	.40	1.21	
9.26	.46	.70		.05
8.335	.45	.85	c	.05
9.07	.46	.70		.05
7.43	.25	.25	.23	
12.26	.50	.80		.09
10.55	.50	.80		.08
9.50	.55	.40		
9.20	.40	.50		
8.27	.45	.40		.25
9.63	.55	.65		
8.25	.45			

DECISION NO. WA75-5124

ROOFERS:

Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties
 Asotin and Garfield Counties
 Benton, Franklin, Kittitas, Klickitat and Yakima Counties
 Roofers; Kettleman; Waterproofer; Shinglers; Spraying
 Chillum, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish, Thurston, and Wahkiakum Counties
 Roofers; Waterproofer
 Slate and Tile Roofers
 Island, San Juan, Skagit and Whatcom Counties
 Roofers and Waterproofer
 Slate and Tile Roofers
 Clark, and Skamania Counties
 Roofers
 Handling of irritating material (coal, tar or epoxy) in unconfined area
 Handling of irritating material (coal, tar or epoxy) in confined area

SHEET METAL WORKERS:

Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties
 Clallam, Jefferson, Kitsap and Mason Counties
 Clark and Skamania Counties
 Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties
 King County
 Island and Snohomish Counties
 Whatcom, Skagit and San Juan Cos.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pensions	Vacation	
\$7.64	.50	.30		.01
8.25				
8.25	.30	.30		
8.45	.30	.20		
8.70	.30	.20		
7.60	.45	.30		
8.10	.45	.30		
7.80	.45	.75		
8.30	.45	.75		
8.55	.45	.75		
10.91	.52	.50		
9.28	.37	.50	.50	.03
8.27	.35	.41	.57	.04
9.45	.37	.77	.47	.02
11.11	.52	.84		.03
11.40	.47	.60		.02
10.17	.57	.60		.04

DECISION NO. WA75-5124

*STATEWIDE -

Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

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TERRAZZO WORKERS: (Cont'd)

Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties
Grays Harbor, Lewis, Mason and Thurston Counties
Pierce County

San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties

TILE SETTERS:

Adams (except that portion incl.

the City of Othello), Asotin, Columbia, Ferry, Garfield,

Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand

Coulee Dam area in Okanogan Co. Benton, Franklin, and Walla Walla Counties

Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)

Glannon, Island, Jefferson, King, Kitsap, Skagit (south of the

Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties

Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County

Grant County and that portion of Adams County including the City of Othello

Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Cos.

Grays Harbor, Lewis, Mason and Thurston Counties

Pierce County

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pension	Vacation	
\$ 7.25	.50	.50		
8.45	.55	.30		
9.66	.55	.55		.02
9.85	.55	.45		
9.50	.55	.40		
8.53	.40	.50		
8.27	.45	.40	.25	
9.63	.55	.65		.04
7.84	.35	.35	.25	
8.25	.45			
7.25	.50	.50		
7.65	.40	.30		.02
9.66	.55	.65		.02

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pension	Vacation	
Cable Splicers; Leadman Pole Sprayer	\$ 11.12	.35	1%	.10	1/2%
Lifemen; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer man	7.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%

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LABORERS (Area 4)
(Those portions of Chelan, Douglas
Kittitas, Okanogan and Yakima
Counties West of the 120th
Meridian)

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Pensions	Vacation	
\$5.65	.60	.80		.06
6.75	.60	.80		.06
6.80	.60	.80		.06
6.85	.60	.80		.06
6.90	.60	.80		.06
6.95	.60	.80		.06
7.00	.60	.80		.06
6.70	.60	.80		.06
6.75	.60	.80		.06
6.85	.60	.80		.06
6.95	.60	.80		.06
7.00	.60	.80		.06
7.10	.60	.80		.06

POWER EQUIPMENT

OPERATORS (Area 1)

(All Counties and

portions of

Counties East

of the 120th

Meridian)

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Pensions	Vacation	
\$8.05	.75	.85		.03
8.35	.75	.85		.03
8.50	.75	.85		.03
9.05	.75	.85		.03
9.20	.75	.85		.03
9.45	.75	.85		.03
9.70	.75	.85		.03
8.55	.75	.85		.03
8.85	.75	.85		.03
9.40	.75	.85		.03
9.55	.75	.85		.03
10.00	.75	.85		.03
10.15	.75	.85		.03
10.60	.75	.85		.03
10.65	.75	.85		.03

*ZONE 1: Within a 15 mile radius from the center of the following Cities:
Moscow, Lake, Pasco, Spokane and Walla in Washington - and Coeur
d'Alene and Lewiston in Idaho.

*ZONE 2: From a 15 to 45 mile radius from the center of the above named
Cities.

*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

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LABORERS (Area 1)
(All Counties and portions of
Counties East of the 120th
Meridian)

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Group 8

Group 9

Class A

Class B

Class C

Class D

LABORERS (Area 2)

(All Counties West of the 120th

Meridian (except those enumerated

in Areas 3 and 4) and the Northern

portion of Pacific County)

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Group 8

Group 9

Group 10

Group 11

Group 12

Group 13

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Pensions	Vacation	
\$7.50	.50	.70		.02
7.65	.50	.70		.02
7.75	.50	.70		.02
7.80	.50	.70		.02
7.85	.50	.70		.02
7.90	.50	.70		.02
7.95	.50	.70		.02
8.15	.50	.70		.02
7.55	.50	.70		.02
7.60	.50	.70		.02
8.00	.50	.70		.02
8.05	.50	.70		.02
7.65	.65	.95		.06
7.76	.65	.95		.06
7.81	.65	.95		.06
7.86	.65	.95		.06
7.91	.65	.95		.06
7.96	.65	.95		.06
8.01	.65	.95		.06
7.71	.65	.95		.06
7.76	.65	.95		.06
7.86	.65	.95		.06
7.96	.65	.95		.06
8.01	.65	.95		.06
8.11	.65	.95		.06

LABORERS (Area 3)

(Clark, Cowlitz, Klickitat,

Skamania, Wahkiakum and the

Southern portion of Pacific Cos.)

Group 1

Group 2

Group 3

Group 4

PRIME BENEFITS:

Health and Welfare

Pension

Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
\$7.72	\$7.62	\$7.97	\$8.22	\$8.47	\$8.72
7.57	7.57	8.32	8.57	8.82	9.07
7.87	8.27	8.62	8.87	9.12	9.37
8.12	8.52	8.87	9.12	9.37	9.62
		Vacation			\$.50
		Apprenticeship Training			.10

DECISION NUMBER WA75-5124

DECISION NO. WA75-5124

POWER EQUIPMENT OPERATORS (Area 2)
 (All Counties and portions of
 Counties West of the 120th Meridian
 except those enumerated in Area
 3)

POWER EQUIPMENT OPERATORS (Area 3)

Clark, Coville, Klickitat, Skamania, Wahkiakum and the Southern portion
 of Pacific, Counties

Group	Basic Monthly Rates	Prize Benefits Payments				WAGE RATES					
		Health	Pension	Vacation	App. Tr.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
Group 1	\$9.12	.60	.90	.11	.11	\$8.30	\$8.70	\$9.05	\$9.30	\$9.55	\$9.80
Group 2	9.42	.60	.90	.11	.11	8.44	8.84	9.19	9.44	9.69	9.94
Group 3	9.53	.60	.90	.11	.11	8.54	8.94	9.29	9.54	9.79	10.04
Group 4	9.58	.60	.90	.11	.11						
Group 5	9.60	.60	.90	.11	.11						
Group 6	9.65	.60	.90	.11	.11						
Group 7	9.66	.60	.90	.11	.11						
Group 8	9.70	.60	.90	.11	.11						
Group 9	9.72	.60	.90	.11	.11						
Group 10	9.85	.60	.90	.11	.11	8.72	9.12	9.47	9.72	9.97	10.22
Group 11	9.88	.60	.90	.11	.11						
Group 12	9.91	.60	.90	.11	.11	8.80	9.20	9.55	9.80	10.05	10.30
Group 13	9.96	.60	.90	.11	.11	8.86	9.26	9.61	9.86	10.11	10.36
Group 14	9.98	.60	.90	.11	.11						
Group 15	10.00	.60	.90	.11	.11	8.96	9.36	9.71	9.96	10.21	10.46
Group 16	10.03	.60	.90	.11	.11						
Group 17	10.06	.60	.90	.11	.11	9.02	9.42	9.77	10.02	10.27	10.52
Group 18	10.10	.60	.90	.11	.11	9.08	9.48	9.83	10.08	10.33	10.58
Group 19	10.17	.60	.90	.11	.11						
Group 20	10.18	.60	.90	.11	.11	9.10	9.50	9.85	10.10	10.35	10.60
Group 21	10.23	.60	.90	.11	.11	9.16	9.56	9.91	10.16	10.41	10.66
Group 22	10.28	.60	.90	.11	.11	9.24	9.64	9.99	10.24	10.49	10.74
Group 23	10.30	.60	.90	.11	.11						
Group 24	10.34	.60	.90	.11	.11	9.40	9.80	10.15	10.40	10.65	10.90
Group 25	10.39	.60	.90	.11	.11	9.56	9.96	10.31	10.56	10.81	11.06
Group 26	10.67	.60	.90	.11	.11	9.74	10.14	10.49	10.74	10.99	11.24
Group 27	10.89	.60	.90	.11	.11						
Group 28	11.09	.60	.90	.11	.11	9.88	10.28	10.63	10.88	11.13	11.38
Group 29	11.20	.60	.90	.11	.11						
Group 30	11.22	.60	.90	.11	.11	10.04	10.44	10.81	11.06	11.31	11.56
Group 31	11.50	.60	.90	.11	.11	10.20	10.60	10.95	11.20	11.45	11.70

PRIZE BENEFITS:

Health and Welfare	\$.75
Pension	1.00
Vacation	.50
Apprenticeship Tr.	.05

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POWER EQUIPMENT OPERATORS (Area 1)
(Dredging)(All Counties and portions of
Counties East of the 120th
Meridian)

- Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7:
(a)
(b)

IRREGULING (Area 2)(All Counties and portions of
Counties West of the 120th
Meridian (except those
enumerated in Area 3) and
including the Northern portion
of Pacific County)

- Group 1
Group 2
Group 3
Group 4
Group 5
Group 7:
(a)
(b)

DREDGING (Area 3)
(Clark, Cowitz, Klickitat,
Pacific (Southern portion),
Snohomish and Wahkiakum Counties)

- Group 1
Group 1A
Group 2
Group 3
Group 4

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$8.24	.60	.90		.07
8.34	.60	.90		
8.68	.60	.90		
7.73	.60	.90		
8.78	.60	.90		
9.10	.60	.90		.07
9.49	.60	.90		.07
10.04	.60	.90		.07
8.24	.60	.90		.07
8.34	.60	.90		.07
8.68	.60	.90		.07
8.73	.60	.90		.07
8.78	.60	.90		.07
9.49	.60	.90		.07
10.04	.60	.90		.07
8.40	.55	.85	.35	.05
9.06	.55	.85	.35	.05
8.04	.55	.85	.35	.05
7.80	.55	.85	.35	.05
7.54	.55	.85	.35	.05

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TRUCK DRIVERS (Area 1)
(All Counties and portions of
Counties East of the 120th
Meridian)

- Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 8
Group 9
Group 10
Group 11
Group 12
Group 13
Group 14

(All Counties and portions of Cox,
West of the 120th Meridian (except
those enumerated in Area 3) and
including the Northern portion of
Pacific County and all of Kittitas
and Yakima Counties)

- Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 8
Group 9
Group 10
Group 11
Group 12
Group 13
Group 14
Group 15
Group 16
Group 17
Group 18
Group 19
Group 20
Group 21

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$8.00	.82	.85		
8.05	.82	.85		
8.10	.82	.85		
8.20	.82	.85		
8.40	.82	.85		
8.65	.82	.85		
8.50	.82	.85		
8.55	.82	.85		
8.65	.82	.85		
8.70	.82	.85		
9.00	.82	.85		
9.15	.82	.85		
9.20	.82	.85		
9.45	.82	.85		
9.39	.80	.85		.09
9.44	.80	.85		.09
9.49	.80	.85		.09
9.60	.80	.85		.09
9.66	.80	.85		.09
9.70	.80	.85		.09
9.71	.80	.85		.09
9.77	.80	.85		.09
9.82	.80	.85		.09
9.84	.80	.85		.09
9.87	.80	.85		.09
9.87	.80	.85		.09
9.99	.80	.85		.09
10.03	.80	.85		.09
10.15	.80	.85		.09
10.19	.80	.85		.09
10.31	.80	.85		.09
10.36	.80	.85		.09
10.52	.80	.85		.09
10.68	.80	.85		.09
10.84	.80	.85		.09

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TRUCK DRIVERS (Area 3)
(Clark, Cowlish, Klickitat,
Shammas, Wabiatum and the
Southern portion of Pacific Counties)

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	\$8.48	\$8.88	\$9.23	\$9.58	\$9.73	\$9.98
Group 2	8.53	8.93	9.28	9.53	9.78	10.03
Group 3	8.58	8.98	9.33	9.58	9.83	10.08
Group 4	8.63	9.03	9.38	9.63	9.88	10.13
Group 5	8.68	9.08	9.43	9.68	9.93	10.18
Group 6	8.78	9.18	9.53	9.78	10.03	10.28
Group 7	8.88	9.28	9.63	9.88	10.13	10.38
Group 8	8.98	9.38	9.73	9.98	10.23	10.48
Group 9	9.08	9.48	9.83	10.08	10.33	10.58
Group 10	9.25	9.65	10.00	10.25	10.50	10.75
Group 11	9.35	9.75	10.10	10.35	10.60	10.85
Group 12	9.45	9.85	10.20	10.45	10.70	10.95
Group 13	9.55	9.95	10.30	10.55	10.80	11.05
Group 14	9.65	10.05	10.40	10.65	10.90	11.15

PRIME BENEFITS:
Health and Welfare \$.53
Pension .65

Vacation \$.45
Apprenticeship Training .05

ZONE WAGE SCALE (Area 3)

LANEYERS: Goldendale, Longview and Vancouver
POWER EQUIPMENT OPERATORS: Astoria, Goldendale, Hood River, Longview,
the Dalles and Vancouver
TRUCK DRIVERS: Astoria, Goldendale, Longview, the Dalles and Vancouver

Zone A - All jobs or projects located within 10 miles of the respective
City Hall
Zone B - More than 10 miles but less than 25 miles from the
City Hall
Zone C - More than 25 miles but less than 35 miles from the respective
City Hall
Zone D - More than 35 miles but less than 45 miles from the
City Hall
Zone E - More than 45 miles but less than 75 miles from the respective
City Hall
Zone F - More than 75 miles from the respective City Hall

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, concrete machine, handling the nozzle of concrete or similar machines - 5' and smaller); Concrete Signalman; Grubber Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumper; Fence Erector (to include guard rails, guide and reference posts, sign posts, posts and right-of-way markers); General Laborer; Groat Machine Reader Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailor (water nozzle); Track Laborer (28); Truck Loader; Timber, Buckler and Puller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrepper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailor; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Baker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (fallor); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Joister, Mortarman, Rigger, Jacket, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Callison Worker, free air; High Scaler

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LABORERS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3 inch piston or larger and out-of-the-hole drills with 4 inch piston or larger); Comsite (to include operation of machine and nozzle); Mod Carrier; Monitor Operator; air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Wastes and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air

Class A: Bell Gang, Pump Crete Crewman including distributing pipe, Assembling and dismantling and nipper

Class B: Brakeman, Dampman

Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels

Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (Area 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Brierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Coardrail Erector

Group 2: Dampman; Faller and Bucker; Hand; Powderman's Helper; Sloper (over 20"); Wagon Driller and Air Trac Helper

Group 3: Grouzman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pavement Breaker, Vibrator Tampers (multiple and self-propelled); Railroad spike puller; Bakers-asphalt

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LABORERS (Area 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 5: Form Setter (steel forms); Gradenman and Stake Mopper; Radder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sand blast, gunite, shotcrete); Spreader (carrier grade with Radder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Mud Carrier; Pipe Layer and Caulker; Pipe Wrappier; Timberman - Sawyer; Wagon Driller and Air Trac; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bell Gang

Group 9: Chock Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborer; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Outters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shak Man; Choke Setter; Clean Up Laborers; Concrete Laborers; Culvert, Hand Labor; Curing, concrete; Demolition, wrecking, and moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dampman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Flagmen, traffic; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flabarty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chopper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiller; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bell Gang (above ground); Weight Man - Crusher (aggregate when used)

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LABORERS (Area 4) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Graders, Stake Hopper; Spreader, Rodder, Nozzleman; Concrete Pumps, Gunite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scalari; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Mud Carrier; Feller and Buckler; Chain Saw

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Work:

Class A: Topman and Bull Gang

Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Class C: Powderman Helper

Class D: Miner (including Monolithic Worker); Be-Timberman;

Maintenance Man; Spader, Laser Beam Operator

Class E: Miner; Shaft and Raise

Class F: Powderman

POWER EQUIPMENT OPERATORS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machines; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckband; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oilier; Oiler and Cable Tender; Mocking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by doper with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmiller (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift of Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (bucket elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Trencher Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Boss and similar on construction job site); Tractor (farm type 8.1 with attachments except backhoe); Tugger Operator; Ditch Witch or similar

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LABORERS (Area 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wabiatum and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clay Power Spreader and similar types; Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite or Sand Blasting Post Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air gas or electric; Vibrating Screed; Tamper, Ribbon Setter, head, Rip Rap Man (head), hand placed, Sand Blasting (wet), Stake Setter, Tunnel-Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Bakers; Bit Grinders; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar types; Concrete Saw Operators; Gunite Nozzleman; High Scalars, Strippers and Drillers (coverts work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Beam; Marble Builder; Powderman; Power Saw Operators (backing and falling); Pumpcrete Nozzleman; Sand Blasting (dry); Sewer Pipe Layers; Sewer Timberman; Track liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers, and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, faller and buckler, hand

Group 3: Drill Chipper; Grinder, Tamper and similar light power tools; Feller and Buckler (hand); Grout Man (power); Top Man, Scaffolding or Boatwain Chair over water or over 25' in height

Group 4: Asphalt Baker and Spreader; Cement Handler, Cask or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar Heavy Power Tools; Power Buggy Tampers (multiple and self-propelled)

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clambell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Noehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirlleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stationmen and/or Brakemen

Group 3: Fireman; Fireman (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compactor (excavating and general purposes)

Group 5: Oilier Driver on Track Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Welch Seeding Operator; Oil Distributors

Group 7: Locomotives (dinky-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oilier; Oilier Driver on Trucks Cranes (100 tons and over)

Group 9: Pump (water); Tractors (farmall type, over 60 h.p.)

Group 10: Pest Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw and similar types); Bulldozers (under 20 or similar); Loaders (fork lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Oilier Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal and similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cais (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Pump cutter (Wayne, Saginaw or similar); Canal lining Machine (concrete); Chipper (without crane); Cleaning and Drying Machine (pipe-line); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calys, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Dumas, Adams, or similar); Equipment Serviceman, Grader and Oilier; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, 8/7); Locomotive Engineer; Mixamobile; Mocking Machine; Paver or Carb Extruder (asphalt and concrete); Pump (grout or jet); Rollman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzly and Screening Plant Operator; H.D. Machine; H.D. Welder; Refrigeration Plant Engineer (under 1,000 tons); Rubber-tired Scraper, Multi-engine Paver, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Grader and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R. A. Manges and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clambell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over) (Robbins' reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Pile-driving Engineers; Paver (deal drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Ball or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirlleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

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POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator; Concrete Paving; Soils; Air Tuggers; Strato Tower Bucket; Elevators and Back Finches; Loaders (Elevating-Alley, Barber Greene and similar types, and overhead and front-end, under 2 1/2 yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Roller Kopyon and Concrete and Pumpcrete); Rollers; Trenchers and Vibrators (on plant, road mix or multi-lifts materials); Screed; Sprinklers (Blow Knox, Cedarapids, Jaeger, Flarrey or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection; Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dams and similar); Locomotive (greatest or rod engine); Mixers (paving); Scraper (carryall type, Euclid)

Group 17: Tractors (farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case and similar type 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Ramp Cutter (Concut, Christensen or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltrone with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, tons and over, per batch, and concrete mixers and batch - Over 200 yards per hour through 400 yards per hour, and paving dual)

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POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame Trucks, double power drum and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under; and Hydraulic, Hyatt Cat Cranes and attachments and Chopper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and excavation); Loader (fork lift with power boom and swing attachment, and overhead and front end, 2 1/2 yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mocking Machines (mole, tunnel drill, and/or shield); Paydoser and Licker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, (Quad-9 and similar); Piledriver and truck types, all attachments, 3 yards and under); Sub Grader (Curries, OMI and similar types); Tractors (Farmall Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); used as Backhoes, rubber tired - Ford, Ferguson, Case and similar type, over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 800 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons; and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, OMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, Truck type, floating, Locomotive, Whirley, either 3 yards and over 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar types equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (Area 3)

Clark, Cowitz, Kliffickat, Skamania, Wahbistum and the Southern portion of Pacific, Counties

Group 1: Oiler, including plant, crane, carabier, guardrail equipment, and trenching machine; Assistant Conveyor Operator; Crusher Feedman; Deck-hand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakesman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Drill Hoist Operator; Auger Oiler; Boatsman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, Combination Guardrail Machines; Temporary Hoisting Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Rapidsman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Boss Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorsman; Ballast Jack Tamper; Ball Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Spread Operator; Compactor, including vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, concrete work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pump, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulverizer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayn type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)

Clark, Cowitz, Kliffickat, Skamania, Wahbistum and the Southern portion of Pacific, Counties

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Magimix Internal Full Slab Vibrator; Concrete Finishing Machine; Clary, Johnson, Sidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Bore, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2-1/2 cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Cement Pump, Fuller-Knyon and similar; Concrete Pump; Greeting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2-1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Hammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Limer; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-boom, 5 ton capacity or less; Grizzly Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Restor and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2-1/2 cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machine; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin-engine (TC12 and similar); Cable plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hoega type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

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POWER EQUIPMENT OPERATORS (Areas 1 and 2)
(UNDEVELOPED)

Clark, Covitz, Klickitat, Skamania, Wahkiakum and Southern portions of Pacific Counties

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Draglines; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Rain-forced Tank Batching Machine (F-17 or similar); Hoist, two or more drums; Elevating Loader, Atkey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with push-pull attachments, self-loading, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shovel Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, Multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, Operated by tractor operator, Bierra, Euclid, or similar; Back Filling Machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Round Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Sand Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

Group Description for Areas 1 and 2

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oilier

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mate and Boatman

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

Group Description for Area 3

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oilier

TRUCK DRIVERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat and Yakima Counties)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup Truck, Escort or Pilot Car; Sweepers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bell lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Tournatril, Cat IW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material; Dump Trucks - side, end and bottom dump, including Semi-trucks and Trains of combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flakerty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4 1/2 yds.

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Loaded and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Scoop and similar equipment; Winch Truck, dual rear axle

TRUCK DRIVERS (Area 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat and Yakima Counties)

Group 1: Flat Bed Truck single rear axle; Escort Driver; Fish Truck; Fork lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Sweeper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumpster (6 yards and under); Flakerty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork lift (over 3,000 pounds); Oil Distributor Driver (road, bottomperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yds. to 5 yds.); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (over 6,001 - 8,000 gallons)

Group 7: Dumpster (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water Tank Truck (8,001 - 10,000 gallons); Tractor with Steer Trailer

Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, 8 ft. or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

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TRUCK DRIVERS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wabiksum and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and combinations thereof; 6 cu. yds. and under lift jitters, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leveam on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 8-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tiresman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof; over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leveam; Transit Mix, and wet or dry mix trucks; 5 cu. yds. and under; Tiresman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flatbed Spread Driver or Leveam; Loaded Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leveam; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

DECISION NO. WA75-5124

TRUCK DRIVERS (Area 2) (Cont'd)

All Counties and portion of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Roll Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4 1/2 yards to and including 6 yards

Group 12: "A" Frame or Hydra-lift Trucks or similar equipment

Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

NOTICES

48089

STATES: Wisconsin
 DECISION NUMBER: WTS-2115
 Superseded Decision Number WTS-2047, dated February 28, 1975 in 40 FR 8457
 DESCRIPTION OF WORK: Highway Construction

COUNTY: Statewide

DATE: Date of Publication

BRICKLAYERS AND STONEMASONS:
 ZONE 1 - BARNOY, BUFFALO, HUBBERT,
 CLIFFESSA, DOW, EAU CLAIRE, FEPIN,
 PIERCE, POKE, RUSH, ST. CROIX &
 SAWYER Counties
 ZONE 2 - FOND DU LAC County
 ZONE 3 - EMMET, CALUMET, DOOR,
 FLORENCE, GREEN LAKE, KENAUWEE,
 MARQUETTE, MARQUETTE, MARQUETTE,
 COONTO, OTCAGAMIE, SHAWANO, VAN-
 DUSEN, WAUSAU, & WINNEBAGO
 Counties
 ZONE 4 - GREEN, LAFAYETTE & ROCK
 Counties
 ZONE 5 - CRAWFORD, JACKSON, JUNEAU,
 LA CROSSE, VERMILION, THOMPSON &
 AND MINNEAPOLIS Counties
 ZONE 6 - WALPOLE County
 ZONE 7 - BURL, GRANT, IOWA &
 RICHMOND Counties
 ZONE 8 - MILWAUKEE, OCAWEE,
 WASHINGTON & WAUKESHA Counties
 ZONE 9 - COLEBURN & SAUK Counties
 ZONE 10 - KENOSHA & RACINE
 Counties
 ZONE 11 - SEABOARD County
 ZONE 12 - ASHLAND, BAYFIELD,
 DOUGLAS & IRON Counties
 ZONE 13 - DODGE & JEFFERSON
 Counties
 ZONE 14 - ADAMS, CLARK, ROBERT,
 LUCAS, LINCOLN, MADISON,
 MONROE, OSCEOLA, PORTAGE,
 PRICE, TAYLOR, VILLAS & WOOD
 Counties
 CARPENTERS AND PILEDRIVERS:
 ZONE 1 - ASHLAND County
 Carpenters
 Piledrivers
 ZONE 2 - BARNUM, HUBBERT, BUFFALO,
 CLIFFESSA, CLARK, DOW, EAU CLAIRE,
 FEPIN, PIERCE, POKE, RUSH, ST.
 CROIX, SAWYER, & TAYLOR Counties
 Carpenters
 Piledrivers

Basic Hourly Rates	Fringe Benefits Payments				App. To
	M & W	Franchise	Vacation	App. To	
\$ 8.64 7.20	.45 .30	.25 .25	.40		.03
8.05	.45	.35	.50		.02
8.60	.25	.25	.25		
8.50 9.49	.40 .40	.25 .40			
8.85	.45	.50			
9.98 8.65	.70 .25	.60 .20	.58		
9.49 8.50	.40 .45	.40 .35			
8.52	.25	.45			
9.10	.45	.25			
8.19	.45	.25			
6.94 7.14	.30 .30	.25 .25	.15 .15		
8.65 9.05	.30 .30	.30 .30			.03 .03

DECISION NO. WTS-2115

CARPENTERS & PILEDRIVERS (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments				App. To
	M & W	Franchise	Vacation	App. To	
\$ 8.27 8.67	.30 .30	.30 .30			.03 .03
8.41 9.56	.30 .30	.25 .25			.04 .04
9.15 9.22	.40 .40	.50 .50			.03 .03
8.27 8.67	.30 .30	.30 .30			.03 .03
8.82 9.22	.30 .30	.30 .30			.03 .03
8.29 8.49	.50 .50	.40 .40			.01 .01
9.39 9.76	.60 .60	.60 .60	.51 .51		
9.15 9.22	.40 .40	.50 .50			.03 .03
8.45 9.14	.40 .40	.30 .30			
7.55 7.55	.30 .30	.35 .35	.30 .30		

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DECISION NO. 1175-2115

IRONWORKERS:

ZONE 1 - BARREN, BUFFALO, CHIFFAMA, CLARK, FURN, EAT CLAIRE, FRED, FINE, FOLK, ST. CROIX & TROUSDALE Counties

ZONE 2 - ASHLAND, BAYFIELD, BURDET, DOUGLAS, FOREST, IRON, LINCOLN, OREGON, PRICE, RUSK, SENTER, TAYLOR, VILAS & WASHBURN Counties

ZONE 3 - ADAMS, CALUMET, CRAWFORD, DAVIS, DODGE, GRAY, GREEN, GREEN LAKE, IOWA, JACKSON, JEFFERSON, JUNG, LA CROSSE, LAFAYETTE, LANGLAKE, MARQUETTE, MAYNARD, MENOMINEE, MORRIS, PORTAGE, RICH- LAND, SALK, SEMARCO & WATKINS

ZONE 4 - BROOK, CALHOUN, DOOR, FLORENCE, FORD IN LAO, KENOSHA, KENAUKE, MAINTINOC, MARQUETTE, MILWAUKEE, OGDON, OTTAWA, CLAUKE, RACINE, SEBASTIAN, VAL- WORTH, WASHINGTON & WATKINS

ZONE 5 - ROCK County

LINE CONSTRUCTION:

Linspen
Cable Splicer
Equipment Operator
Truck Drivers with Boom or
Biggier Tractor or 5th wheel
Truck Drivers
Groundman
Groundman 1st 6 months

PAINTERS:

ZONE 1 - FOREST, LANGLAKE, LINCOLN, MARATHON, MENOMINEE, OREGON, PRICE & TAYLOR Counties

Brush
Spray

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Percentage	Percentage	
9.40	.55	.55		.02
9.05	.85	.50	.40	
9.60	.50	.25		.03
9.66 11.20	.70 .40	.60 .375	1.15	.11 .05
8.84 9.65 7.33	.35 .35 .35	.15 .15 .15		.05 .05 .05
6.09 5.81 5.55 4.80	.35 .35 .35 .35	.15 .15 .15 .15		.05 .05 .05 .05
7.60 8.10				

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DECISION NO. 1175-2115

PAINTERS (CONT'D)

ZONE 2 - BARREN, BUFFALO, BURNETT, CHIFFAMA, DODGE, EAT CLAIRE, FRED, FINE, FOLK, RUSK, ST. CROIX, SENTER, TROUSDALE, & WISCONSIN Counties

Brush
Spray

ZONE 3 - BROWN, DOOR, KENAUKE, & OGDON Counties

Brush
Spray

ZONE 4 - FLORENCE County

Brush
Spray

ZONE 5 - KENOSHA County

Brush
Steel
Spray

ZONE 6 - ADAMS, CLARK, CRAWFORD, JACKSON, JUNG, LA CROSSE, MORRIS, PORTAGE, SEMARCO, & WOOD Counties

Brush
Steel
Spray

ZONE 7 - WASHINGTON County

Brush & Steel
Spray

ZONE 8 - CALUMET, DODGE, DOOR, GRANT, GREEN, IOWA, LAFAYETTE, RICHLAND, ROCK & SAUK Counties

Brush
Spray

ZONE 9 - CALHOUN & MAINTINOC Counties

Brush
Spray

ZONE 10 - MARQUETTE County

Brush
Spray

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Percentage	Percentage	
7.00 7.25				
7.33 7.33	.30 .30			
6.70 7.20			.45 .45	
7.65 7.85 8.435	.40 .40 .40	.30 .30 .30		
7.28 7.55 7.97		.35 .35 .35		
6.85 7.35	.45 .45	.15 .15	.40 .40	
7.97 8.72	.50 .50	.30 .30	.30 .30	.01 .01
7.05 7.05				
5.90 6.40			.40 .40	

DECISION NO. MITS-2115

LABORERS:

ZONE 1 - MILWAUKEE, COAUMES,
WASHINGTON & WAUWATOSA CountiesGROUP 1 - Bituminous worker
(shoveler, loader, utility man),
demolition & wrecking laborer,
guard rail builder, reinforcing
steel setter (pavement), stone
handler, tree trimmer, land-
scaper, multiple culvert
assembler, conduit layer, un-
skilled laborerGROUP 2 - Bituminous worker
(dumper, ironer, smoother, tam-
per), batch truck driver, cement
handler, concrete handlerGROUP 3 - Chain saw op., demoli-
tion burning torch lab., joint
sawer & filler (pavement),
vibrator or tamper op. (mech-
anical, hand operated)GROUP 4 - Air tool operator (hand
operated)GROUP 5 - Formsetter (curb, walk,
and pavement), strikes off manGROUP 6 - Bituminous worker
(raker & luteman)

GROUP 7 - Powderman, blaster

ZONE 2 - RACINE County

GROUP 1 - Bituminous worker
(shoveler, loader, utility man),
demolition & wrecking laborer,
guard rail builder, reinforcing
steel setter (pavement), stone
handler, tree trimmer, land-
scaper, multiple culvert
assembler, conduit layer, un-
skilled laborerGROUP 2 - Bituminous worker
(dumper, ironer, smoother, &
tamper), batch truck driver,
cement handler, concrete handler

DECISION NO. MITS-2115

PAINTERS (CONT'D)

ZONE 11 - JEFFERSON, MILWAUKEE,
COAUMES, WASHINGTON & WAUWATOSA
CountiesZone 12 - FOND DU LAC, GREEN LAKE,
KANEQUATE, OUTAGAMIE, SHAWANO,
WAUWATOSA, WAUPACA & WIDENERAGO
Counties

ZONE 13 - RACINE County

ZONE 14 - SAGINAW County

ZONE 15 - ASHLAND, EATFIELD,
DOUGLAS, IRON, & VILLAS Counties

Spray & Steel

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	W & W	Family	Vacation	
\$ 8.85	.50	.60	.50	.02
9.20	.50	.60	.50	.02
7.50	.30	.10		.03
8.00	.30	.10		.02
7.90	.40	.20		
8.05	.40	.20		
8.65	.40	.20	.20	
6.25	.20	.30		
6.25	.20	.30	.20	
8.31	.25	.20		.05
8.56	.25	.20		.05

DECISION NO. MITS-2115

LABORERS:

ZONE 1 - MILWAUKEE, COAUMES,
WASHINGTON & WAUWATOSA CountiesGROUP 1 - Bituminous worker
(shoveler, loader, utility man),
demolition & wrecking laborer,
guard rail builder, reinforcing
steel setter (pavement), stone
handler, tree trimmer, land-
scaper, multiple culvert
assembler, conduit layer, un-
skilled laborerGROUP 2 - Bituminous worker
(dumper, ironer, smoother, tam-
per), batch truck driver, cement
handler, concrete handlerGROUP 3 - Chain saw op., demoli-
tion burning torch lab., joint
sawer & filler (pavement),
vibrator or tamper op. (mech-
anical, hand operated)GROUP 4 - Air tool operator (hand
operated)GROUP 5 - Formsetter (curb, walk,
and pavement), strikes off manGROUP 6 - Bituminous worker
(raker & luteman)

GROUP 7 - Powderman, blaster

ZONE 2 - RACINE County

GROUP 1 - Bituminous worker
(shoveler, loader, utility man),
demolition & wrecking laborer,
guard rail builder, reinforcing
steel setter (pavement), stone
handler, tree trimmer, land-
scaper, multiple culvert
assembler, conduit layer, un-
skilled laborerGROUP 2 - Bituminous worker
(dumper, ironer, smoother, &
tamper), batch truck driver,
cement handler, concrete handler

DECISION NO. MITS-2115

PAINTERS (CONT'D)

ZONE 11 - JEFFERSON, MILWAUKEE,
COAUMES, WASHINGTON & WAUWATOSA
CountiesZone 12 - FOND DU LAC, GREEN LAKE,
KANEQUATE, OUTAGAMIE, SHAWANO,
WAUWATOSA, WAUPACA & WIDENERAGO
Counties

ZONE 13 - RACINE County

ZONE 14 - SAGINAW County

ZONE 15 - ASHLAND, EATFIELD,
DOUGLAS, IRON, & VILLAS Counties

Spray & Steel

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	W & W	Family	Vacation	
\$ 8.85	.50	.60	.50	.02
9.20	.50	.60	.50	.02
7.50	.30	.10		.03
8.00	.30	.10		.02
7.90	.40	.20		
8.05	.40	.20		
8.65	.40	.20	.20	
6.25	.20	.30		
6.25	.20	.30	.20	
8.31	.25	.20		.05
8.56	.25	.20		.05

DECISION NO. WITS-2115

LABORERS (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
7.06	.30	.25		.02
7.11	.30	.25		.02
7.16	.30	.25		.02
7.21	.30	.25		.02
7.26	.30	.25		.02
6.78	.30	.25		.02
6.83	.30	.25		.02
6.88	.30	.25		.02
6.93	.30	.25		.02
6.98	.30	.25		.02

GROUP 1 (CONT'D)
guard rail builder, reinforcing steel setter (pavement), stone handler, landscaper, multiple culvert assembler, conduit layer, unskilled laborer

GROUP 2 - Formsetter (curb, walk & pavement), tree trimmer

GROUP 3 - Air tool op., vibrator or tamper, batch truck driver, cement handler

GROUP 4 - Bituminous worker (raker, luteman), chain saw op., demolition burning torch lab.,

GROUP 5 - Powderman, blaster

ZONE 5 - REMAINDER OF STATE

GROUP 1 - Bituminous worker (dumper, ironer, smoother, tamper, shovel, loader, utility man), strike off man, joint sawer or filler (pavement), concrete handler, demolition & wrecking lab., guard rail builder, reinforcing steel setter (pavement), stone handler, landscaper, multiple culvert assembler, conduit layer, unskilled laborer

GROUP 2 - Formsetter (curb, walk & pavement), tree trimmer

GROUP 3 - Air tool op., vibrator or tamper op., batch truck driver, cement handler

GROUP 4 - Bituminous worker (raker, luteman), chain saw op., demolition burning torch lab.,

GROUP 5 - Powderman, blaster

DECISION NO. WITS-2115

LABORERS (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
7.41	.40	.50	.20	.02
7.46	.40	.50	.20	.02
7.51	.40	.50	.20	.02
7.56	.40	.50	.20	.02
7.91	.40	.50	.20	.02
7.26	.40	.50	.25	.02
7.36	.40	.50	.25	.02
7.41	.40	.50	.25	.02
7.46	.40	.50	.25	.02
7.51	.40	.50	.25	.02
7.56	.40	.50	.25	.02
7.91	.40	.50	.25	.02

GROUP 1 - Chain saw op., demolition burning torch lab., joint sawer & filler (pavement), vibrator or tamper op. (mechanical, hand operated)

GROUP 2 - Formsetter (curb, walk & pavement), strike off man

GROUP 3 - Bituminous worker-raker, luteman

GROUP 4 - Powderman, blaster

ZONE 1 - KANSAS County

GROUP 1 - Bituminous worker (shovel, loader, utility man), demolition & wrecking laborer, guard rail builder, reinforcing steel setter (pavement), stone handler, tree trimmer, landscaper, multiple culvert assembler, conduit layer, unskilled laborer

GROUP 2 - Bituminous worker (dumper, ironer, smoother, and tamper), batch truck driver, cement handler, concrete handler

GROUP 3 - Chain saw op., demolition burning torch lab., joint sawer & filler (pavement), vibrator or tamper op. (mechanical hand operated)

GROUP 4 - Air tool op. (hand op.)

GROUP 5 - Formsetter (curb, walk & pavement), strike off man

GROUP 6 - Bituminous worker-raker & luteman

GROUP 7 - Powderman, blaster

ZONE 1 - DAVE County

GROUP 1 - Bituminous worker (dumper, ironer, smoother, tamper, shovel, loader, utility man), strike off man, joint sawer & filler (pavement), concrete handler, demolition & wrecking lab.,

DECISION NO. WTS-2115

TRUCK DRIVERS

	Basic Monthly Rates	Fringe Benefits Payments		
		H & W	Position	Vacation App. Tr.
ZONE 1				
GROUP 1	\$ 7.39	\$21.50	\$22.00	.35
GROUP 2	7.54	\$21.50	\$22.00	.35
ZONE 2				
GROUP 1	7.39	\$93.01	\$22.00	.35
GROUP 2	7.54	\$93.01	\$22.00	.35
ZONE 3				
GROUP 1	7.39	\$93.01	\$22.00	.35
GROUP 2	7.54	\$93.01	\$22.00	.35

FOOTNOTES:

- a. Per week per employee on payroll 30 days or longer.
b. Per Month per employee on payroll 30 days or longer.

ZONE IDENTIFICATION

ZONE 1 - MILWAUKEE, OCAWKEE, WASHINGTON & WAUKESHA Counties.
ZONE 2 - KENOSHA & RACINE Counties.
ZONE 3 - Remainder of State.

CLASSIFICATION IDENTIFICATION

GROUP 1 - Truck drivers, 2 axle - Mechanics helper, truck
GROUP 2 - Truck drivers, 3 or more axle trucks - Euclid or dumpster type
hauling units - Mechanic, truck

[FR Doc. 75-28983 Filed 10-9-75; 8:45 am]

DECISION NO. WTS-2115

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION

	Basic Monthly Rates	Fringe Benefits Payments		
		H & W	Position	Vacation App. Tr.
GROUP 1	\$ 8.77	.55	.55	.05
GROUP 2	8.51	.55	.55	.05
GROUP 3	8.42	.55	.55	.05
GROUP 4	8.34	.55	.55	.05
GROUP 5	8.26	.55	.55	.05
GROUP 6	8.22	.55	.55	.05
GROUP 7	8.13	.55	.55	.05
GROUP 8	8.01	.55	.55	.05

CLASSIFICATIONS

GROUP 1 - Bituminous paver or plant, concrete breaker (truck mounted, heavy), crane, derrick, dragline, dredge, piler, driver, power shovel, material hoist, mixer or paver 21 cu. ft. or over, roller over 5 T., self propelled stabilizing mixer, trenching machine, tractor (side boom, heavy) concrete P.T. spreader (heavy duty, rubber tires, hydraulic back hoe, asphalt plane engine, auto-matic all-terrain concrete paver, automatic concrete subgrader, batch mixer portable, caisson rigs, central mixer concrete, dredge engine, concrete batch plant engine, central mix plant concrete, percussion or rotary drill machine, grader or motor pactor, loading machine (conveyor), machine or weld-er (heavy duty equipment), tractor (scraper, dozer, grader, loader), tugger, end loader, asphalt heater & planer, boatman, pump cutter & grooving machine, ab-ulder winder, winches & A frames, tube finisher.
GROUP 2 - Concrete mixer less than 21 cu. ft., concrete pump, steel roller 5 tons or less.
GROUP 3 - Screed (bituminous paver), shouldering machine, self-propelled chip spreader.
GROUP 4 - Concrete breaker & tamper (light), concrete spreader, finishing mach., mechanical float, curing mach., power subgrader, joint saw (multiple blade), launch, roller (pneumatic tired) self propelled, tractor (mounted or towed compactors & light equipment), light rubber tired tractor-and loader, fork-lift, beltting machine, burial machine, jeep digger, mulcher, texturing machine.
GROUP 5 - Fireman, Environmental burner.
GROUP 6 - Air compressor, drilling or boring machine (mechanical heavy), grader, (heavy equipment) load-man, tank car heaters, stump chopper, curb machine, concrete proportioning plant, generator, mud jack.
GROUP 7 - Crusher or screening plant, automatic belt conveyor & surge bin, pneumatic tired roller farm tractor towed, pug mill.
GROUP 8 - Oiler, pump over 3", surge bin, drilling machine helper.

FRIDAY, OCTOBER 10, 1975



PART VIII:

DEPARTMENT OF LABOR

Employee Benefits Security



EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Proposed EBS-1 Form

DEPARTMENT OF LABOR

Office of Employee Benefits Security

[29 CFR Part 2520]

EMPLOYEE RETIREMENT INCOME
SECURITY ACT OF 1974

Proposed EBS-1 Form

1. *Background.* On December 4, 1974, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (39 FR 42231) stating that a copy of the proposed plan description form EBS-1 was available for comment and inspection. The EBS-1 form was to be used for filing plan descriptions with the Department of Labor on April 30, 1975. However, on May 5, 1975, 29 CFR 2520.104-3 was promulgated (40 FR 19469; see also 40 FR 20628, May 12, 1975), deferring until August 31, 1975, the initial filing of a plan description as required under section 104(a)(1)(B) of the Act. Comments received by the Department indicated that plan administrators would not have sufficient time to gather records and data necessary to complete the entire EBS-1 plan description form by August 31, 1975. Therefore, a proposed regulation was published on June 9, 1975 in the *FEDERAL*

REGISTER, 29 CFR 2520.104-3 (40 FR 24655) requiring that only the first two pages of the EBS-1 form, with signature, be filed by August 31, 1975, and deferring the filing date for the full EBS-1 form until May 30, 1976. On August 15, 1975 a final deferral regulation § 2520.104-3 was published (40 FR 34529). Under this regulation, completion of the full EBS-1 plan description form is deferred until May 30, 1976, although the first two pages, plus the signature, of the EBS-1 were to be filed by August 31, 1975 or, if later, the 120th day after the plan becomes subject to Part 1, ERISA.

2. *Publication of Revised Form.* As a result of comments received by the Department and the additional time provided by the deferral of reporting and disclosure dates, the form EBS-1, which was mailed to employers beginning on May 15, 1975, has been revised. In the new proposed form EBS-1 the schedules and narrative portions of the earlier form have been converted to a shorter, simpler "check-block" format. Other modifications have been made in accordance with comments and suggestions received since the original publication. Comments have been received regarding the instruction

of the previous form which required that each participating employer in a trade association arrangement file a separate EBS-1 form. Although this instruction has been retained on the revised form, the Department solicits further comments on this issue.

Because of the extensive revisions made in the EBS-1 form, the Department of Labor is interested in receiving further comments and suggestions on the proposed form and instructions prior to publication.

Copies of this issue of the *FEDERAL REGISTER*, containing the proposed form, may be obtained by writing or calling the Public Information Office, Room N5641, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20216, Telephone (202) 523-7408.

Interested parties should note that the comments period closes on November 9, 1975. Comments or recommendations should be sent to "Plan Description-Comments," Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216.

Accordingly, it is proposed to promulgate a new form, EBS-1, as follows:

NOTICES

48097

Form EBS-1

U.S. Department of Labor
Labor-Management Services Administration—Office of Employee Benefits Security

PLAN DESCRIPTION

This form is prescribed under the reporting and disclosure provisions of Title I of the Employee Retirement Income Security Act of 1974 (ERISA). Code references are to the Internal Revenue Code of 1954.

Department of Labor Use ONLY

A	B	C	D	E	F	G	H

NOTE: Due to the use of certain specialized terms, it is important to refer to the instructions on an item-by-item basis when completing the form. Answer each item, or enter "None" or "N/A" (Not Applicable), as appropriate.

A. Is this: ☐ an initial filing, OR ☐ an amended filing

B. If an amended filing:

(a) What is the effective date of the amendment?

Month Day Year

(b) Does it result in a reduction of accrued pension benefits to participants?

☐ Yes ☐ No

PART I ALL PLANS

1(a) Name, address and ZIP code of sponsor/employer if single employer plan

1(b) Employer identification number

1(c) Sponsor/employer telephone number
()

1(d) Employer taxable year end

1(e) Business code number

☐ New

2(a) Name, address and ZIP code of plan administrator if other than sponsor/employer

2(b) Administrator's employer identification number

2(c) Administrator's telephone number
()

3. Check appropriate box to indicate the structure of the plan:

(a) ☐ Single-employer plan

(b) ☐ Plan of controlled group of corporations or employers under common control

(c) ☐ Multiemployer plan

(d) ☐ Multiple-employer plan

4. (a) Name of plan

4. (b) Plan number

5. Department of Labor WP file number (if any)
WP —

6. Initial effective date of plan

Month Day Year

7. Ending date of plan's fiscal year

Month Day

Under penalties of perjury and other penalties set out in the instructions, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct and complete.

Date	Signature	Type or print name	Name of company or union and position therein

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8. Is the plan administrator designated as agent for the service of legal process? ☐ Yes ☐ No

If "No," enter the person designated:

Name _____

Business address (Number and street) _____

City, town or post office, State and ZIP code _____

9(a) Type of plan—check applicable boxes:

- (i) Defined benefit pension plan:
 (A) ☐ Fixed benefit (B) ☐ Unit benefit (C) ☐ Flat benefit
 (D) ☐ Other (specify) _____
- (ii) Defined contribution pension plan:
 (A) ☐ Profit sharing (B) ☐ Stock bonus (C) ☐ Target benefit
 (D) ☐ Other money purchase (E) ☐ Other (specify) _____
- (iii) ☐ Other plan described in section 414(k) of the code
 (iv) ☐ Annuity under section 403(b) of the code
 (v) ☐ Custodial account under section 403(b)(7) of the code
 (vi) ☐ Trust treated as an individual retirement account
 (vii) ☐ Employee stock ownership plan under section 301(d) of the Tax Reduction Act of 1975
 (viii) ☐ Welfare benefit

(b) Other plan features—check if applicable:

- (i) ☐ Thrift-savings (ii) ☐ H.R.10 (Keogh) (iii) ☐ Employee stock ownership as part of a plan qualified under section 401(a) of the code

10. Number of active and retired participants and beneficiaries as of the end of the plan year (welfare plans complete only (a) (c) and (d):

- (a) Retired participants entitled to future coverage or benefits _____
- (b) Participants separated from employment with deferred vested benefits _____
- (c) Active participants (employed or carried as active): (i) vested _____
 (ii) non-vested _____
 (iii) total _____
- (d) Subtotal, sum of (a), (b) and (c iii) _____
- (e) Beneficiaries receiving pension benefits _____
- (f) Total (d) plus (e) _____

11. Indicate the persons who perform functions for the plan. Mark X in all applicable boxes:

FUNCTION (1)	PERSONS PERFORMING FUNCTION				
	Plan Sponsor (2)	Plan Administrator (3)	Trustee (4)	Insurance Carrier (5)	Other (Specify) (6)
(a) Receives and deposits contributions	☐	☐	☐	☐	☐
(b) Maintains records of plan participants	☐	☐	☐	☐	☐
(c) Authorizes payment of plan administrative expenses	☐	☐	☐	☐	☐
(d) Pays plan administrative expenses	☐	☐	☐	☐	☐
(e) Determines investment policy	☐	☐	☐	☐	☐
(f) Invests plan assets	☐	☐	☐	☐	☐
(g) Selects insurance carrier or service organization	☐	☐	☐	☐	☐
(h) Selects corporate trustee	☐	☐	☐	☐	☐
(i) Receives claims for benefits under the plan	☐	☐	☐	☐	☐
(j) Determines eligibility of individual claimants for receipt of benefits	☐	☐	☐	☐	☐
(k) Determines benefit amount	☐	☐	☐	☐	☐
(l) Makes determination on appeal of claim denials	☐	☐	☐	☐	☐
(m) Authorizes payment of benefits	☐	☐	☐	☐	☐
(n) Makes payments of benefits	☐	☐	☐	☐	☐

NOTE: Information furnished above will not be determinative as to whether a party is a fiduciary to a plan.

12. Is this a plan established or maintained pursuant to one or more collective bargaining agreements? ☐ Yes ☐ No
13. Mark X in the appropriate box(es) which indicate the type of document(s) establishing or affecting the plan. DO NOT SUBMIT COPIES OF PLAN DOCUMENTS

- (a) ☐ Plan
 (b) ☐ Trust
 (c) ☐ Regulations and rules
 (d) ☐ Contracts

14. This plan includes as participants (mark X in all applicable boxes):

- (a) ☐ All types of employees
 (b) ☐ Hourly employees
 (c) ☐ Salaried employees
 (d) ☐ Employees covered by collective bargaining
 (e) ☐ Employees not covered by collective bargaining
 (f) ☐ Other (specify) _____

15. Indicate sources and methods of determining contributions to the plan (mark X in all applicable boxes):

Employer's Contribution

- (a) ☐ Fixed rate (i) ☐ Per hour
 (ii) ☐ Per day
 (iii) ☐ Per week
 (iv) ☐ Per month
 (v) ☐ Per annum
 (b) ☐ Based on profits Formula
 (c) ☐ Based on profits Discretionary
 (d) ☐ Percentage of payroll
 (e) ☐ Actuarial rate of determination
 (f) ☐ Other _____

(Specify)

Employee's Contribution

- (g) ☐ Voluntary
 ☐ Mandatory
 (h) ☐ Fixed rate (i) ☐ Per Hour
 (ii) ☐ Per day
 (iii) ☐ Per week
 (iv) ☐ Per month
 (v) ☐ Per annum
 (i) ☐ Percentage of compensation
 (j) ☐ Part of dues to union
 (k) ☐ Assessment by union
 (l) ☐ Other _____

(Specify)

16. Indicate the method used for the accumulation of assets and for disbursement of benefits (mark X in all applicable items):

	Accumulation of Assets	Disbursement of Benefits
(a) General assets of employer or employee organization	☐	☐
(b) Trust fund	☐	☐
(c) Insurance	☐	☐
(d) Other (Specify) _____	☐	☐

17. Indicate procedure for presenting claims for benefits and review of claims which are denied (mark X in all applicable boxes):

- (a) Does the plan provide a procedure for presenting initial claims for benefits? If no, omit b through d. ☐ Yes ☐ No
 (b) Does the claimant have to initiate action for review of claims which have been denied? ☐ Yes ☐ No

- (c) Indicate by marking X in the applicable boxes, the plan official or other person who makes decisions on claims and the plan official or other person who makes determinations on appeals of claims denied in whole or in part.

	Claims	Appeals of Claims Denied
Administrator	(i) ☐	(i) ☐
Board of Trustees	(ii) ☐	(ii) ☐
Employer	(iii) ☐	(iii) ☐
Other (Specify) _____	(iv) ☐	(iv) ☐

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17. Continued

(d) Does the plan provide for independent arbitration of claim denials?

☐ Yes ☐ No

(e) If the benefits under the plan are collectively bargained, is there provision for binding arbitration of claims?

☐ Yes ☐ No**PART II PLANS WITH PENSION PROVISIONS**

18. Indicate the general eligibility requirements for participation under the plan:

- (a) Age _____ Service _____ Number of yrs. _____ (Specify) _____
 or
 Age _____ Service _____ Number of yrs. _____ (Specify) _____
- (b) Maximum Age (after which employees are not admitted) _____ (Specify) _____
- (c) Other _____ (Specify) _____

19. Indicate the general vesting provisions of the plan for employer contributions:

- (a) Vesting Schedule:
- (i) ☐ Full (100%) and immediate
 - (ii) ☐ Full (100%) vesting after 3 years of service
 - (iii) ☐ Full (100%) vesting at 10 years of service
 - (iv) ☐ Rule of 45; (Complete 5 years of service and where the sum of the participant's age and years of service equal or exceed 45).
 - (v) ☐ 25% vesting after 5 years, grading up to 50% after 10 years and 100% after 15 years
 - (vi) ☐ Full (100%) vesting within 5 years after contributions are made (Class Year Plan Only)
 - (vii) ☐ Other, describe _____
- (b) Check if you include the following years of service under the vesting provisions of the plan:
- (i) ☐ Years of service before age 22
 - (ii) ☐ Years of service for period during which the employee declined to contribute to plan requiring employee contributions
 - (iii) ☐ Years of service during which the employer did not maintain the plan or a predecessor plan

20. Does the plan have any features of portability or reciprocity with:

- (a) Employer(s) participating under the plan? ☐ yes ☐ no
- (b) Employer(s) not participating under the plan? ☐ yes ☐ no

21. Indicate how length of service is determined for participation, vesting and full benefit accrual:

(a) Mark X in the appropriate boxes to indicate the computation period:

- | Participation | Vesting | Full Benefit Accrual |
|---|---|---|
| ☐ Employment commencement date | ☐ Calendar year | ☐ Calendar year |
| ☐ Other, specify _____ | ☐ Other, specify _____ | ☐ Other, specify _____ |

(b) Indicate hours required for one year of service for purposes of participation, vesting and full benefit accrual:

- | Participation | Vesting | Full Benefit Accrual |
|---------------|---------------|----------------------|
| _____ (Hours) | _____ (Hours) | _____ (Hours) |

c. Mark X in the appropriate boxes to indicate whether employees are credited for hours:

	Participation	Vesting	Full Benefit Accrual
(i) Actually worked	☐	☐	☐
(ii) Sickness	☐	☐	☐
(iii) Vacation	☐	☐	☐
(iv) Disability	☐	☐	☐
(v) Lay off	☐	☐	☐
(vi) Other	☐	☐	☐

22. Does the plan contain break in service rules? ☐ Yes ☐ No

(a) Indicate the computation period for a break in service:

Participation	Vesting
☐ Employment commencement date	☐ Calendar year
☐ Other, specify _____	☐ Other, specify _____

(b) Indicate the minimum number of hours needed to avoid a break in service:

Participation	Vesting	Full Benefit Accrual
_____ (Hours)	_____ (Hours)	_____ (Hours)

23. Mark X in all applicable boxes for which the plan provides benefits and mark X in applicable boxes to indicate the requirements for attaining the benefits provided.

TYPE OF BENEFIT (1)	REQUIREMENTS FOR BENEFITS			
	Age Only (2)	Service Only (3)	Combination Age & Service (4)	Other (5)
(a) ☐ Normal Retirement	☐	☐	☐	☐
(b) ☐ Early Retirement	☐	☐	☐	☐
(c) ☐ Deferred Vested	☐	☐	☐	☐
(d) ☐ Disability	☐	☐	☐	☐
(e) ☐ Death	☐	☐	☐	☐

24. (a) Are there any circumstances causing:

(i) ineligibility to participate once having become eligible? ☐ Yes ☐ No

(ii) denial, loss, forfeiture or suspension of benefits once having become vested or in pay status? ☐ Yes ☐ No

(b) If the circumstances are other than re-employment under the plan or break in service, explain _____

25. For plans that provide retirement income benefits in the form of a lifetime annuity:

(a) Does the plan provide for a qualified joint and survivor annuity upon attainment of normal retirement age or actual retirement? ☐ Yes ☐ No

(b) If the plan provides for early retirement, does the plan provide a joint and survivor annuity at the election of the participant who continues working past early retirement age? ☐ Yes ☐ No

26. What is the disposition of an employee's contribution if his participation in the plan ends before benefits are received (mark X in all applicable boxes):

	Death	Withdrawal	Disqualification
(a) Contribution returned without interest	☐	☐	☐
(b) Contribution returned with interest	☐	☐	☐
(c) Contribution not returned (explain) _____	☐	☐	☐
(d) Other (specify) _____	☐	☐	☐

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PART III PLANS WITH WELFARE PROVISIONS

27. Mark X in all applicable boxes for which the plan provides benefits and mark X or otherwise complete the information indicating the requirements for attaining the benefits provided:

TYPE OF BENEFIT (1)	REQUIREMENTS FOR BENEFITS		
	Immediate (2)	Waiting Period (Specify) (3)	Other (4)
HEALTH			
(a) ☐ Hospital	☐		
(b) ☐ Convalescent care	☐		
(c) ☐ Home health care	☐		
(d) ☐ Surgical	☐		
(e) ☐ Medical	☐		
(f) ☐ Maternity	☐		
(g) ☐ Major medical	☐		
(h) ☐ Dental	☐		
(i) ☐ Prescription drugs (out of hospital)	☐		
(j) ☐ Diagnostic X-ray and laboratory services (out of hospital)	☐		
(k) ☐ Vision care	☐		
(l) ☐ Other health benefit (specify) _____	☐		
OTHER WELFARE			
(a) ☐ Life insurance	☐		
(b) ☐ Accidental death and dismemberment	☐		
(c) ☐ Accident and sickness	☐		
(d) ☐ Long term disability	☐		
(e) ☐ Supplementary unemployment benefits	☐		
(f) ☐ Severance pay	☐		
(g) ☐ Apprenticeship and other training	☐		
(h) ☐ Scholarship	☐		
(i) ☐ Prepaid legal services	☐		
(j) ☐ Other (except health) specify _____	☐		

28. Indicate circumstances causing ineligibility, denial, loss, forfeiture or suspension of welfare benefits:

- (a) ☐ Illness
 (b) ☐ Layoffs
 (c) ☐ Strikes
 (d) ☐ Other, specify _____

PART IV ALL PLANS

29. Has a copy of a summary plan description been provided to each participant and beneficiary who is receiving benefits under the plan? ☐ Yes ☐ No
30. Is a copy of the summary plan description being filed with this form? ☐ Yes ☐ No

If more space is needed for any item, attach additional sheets of the same size.

INSTRUCTIONS FOR FORM EBS-1

GENERAL INSTRUCTIONS

I. Introduction

The Plan Description Form EBS-1 is to be filed with the Secretary of Labor both for purposes of (1) initial filings and (2) amended filings.

Although an attempt has been made to define and explain terminology as much as space would permit herein, filers may find it necessary and helpful at times to refer to the Employee Retirement Income Security Act of 1974 (ERISA), the regulations in Chapter XXV of Title 29 Code of Federal Regulations (CFR) and to the Internal Revenue Code of 1954 (Code).

II. Definitions

The term "employee benefit plan" or "plan" means an employee welfare benefit plan or an employee pension benefit plan or a plan which is both an employee welfare benefit plan and an employee pension benefit plan. (Section 3(3) of ERISA.)

The terms "employee welfare benefit plan" and "welfare plan" mean any plan, fund, or program which was heretofore, or is hereafter established or maintained by an employer or by an employee organization, or by both, to the extent that such plan, fund, or program was established or is maintained for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, (A) medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services, or (B) any benefit described in section 302(c) of the Labor Management Relations Act, 1947 (other than pensions on retirement or death, and insurance to provide such pensions). (Section 3(1) of ERISA.) (29 CFR 2510.3-1.)

The terms "employee pension benefit plan" and "pension plan" mean any plan, fund, or program which was heretofore or is hereafter established or maintained by an employer or by an employee organization, or by both, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund, or program—(A) provides retirement income to employees, or (B) results in a deferral of income by employees for periods extending to the termination of covered employment or beyond, regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan. (Section 3(2) of ERISA.) (29 CFR 2510.3-2.)

Pension, profit sharing and other retirement plans are all construed as pension plans for purposes of this form.

III. Who Must File

Title I of ERISA requires a plan description to be filed by the plan administrator with

the Secretary of Labor for any employee benefit plan if it is established or maintained (1) by any employer engaged in commerce or in any industry or activity affecting commerce or (2) by any employee organization or organizations representing employees engaged in commerce or in any industry or activity affecting commerce or (3) both unless it is not covered or is exempted by regulation as described below.

Plans Not Covered.—Section 4(b) of ERISA specifically excludes certain types of plans from coverage under Title I. These exclusions are:

(1) A "governmental plan," defined in section 3(32) of ERISA as "a plan established or maintained for its employees by the Government of the United States, by the government of any State or political subdivision thereof, or by any agency or instrumentality of any of the foregoing. The term 'governmental plan' also includes any plan to which the Railroad Retirement Act of 1935 or 1937 applies, and which is financed by contributions required under that Act and any plan of an international organization which is exempt from taxation under the provisions of the International Organizations Immunities Act 59 Stat. 669";

(2) A "church plan," defined in section 3(33) of ERISA as "a plan established and maintained for its employees by a church or by a convention or association of churches which is exempt from tax under section 501 of the Internal Revenue Code of 1954." Until plan years beginning after December 31, 1982, a church plan does include a plan in existence on January 1, 1974 if it was established and maintained by a church or a group of churches (exempt from tax under section 501 of the Code) for its employees and employees of one or more agencies of such church (exempt from tax under section 501 of the Code). The definition of a "church plan" does not include a plan which is established and maintained primarily for the benefit of employees (or their beneficiaries) of such church or convention or association of churches who are employed in connection with one or more unrelated trades or businesses (within the meaning of section 513 of the Internal Revenue Code of 1954);

(3) A plan which is maintained solely for the purpose of complying with applicable workmen's compensation, or unemployment compensation or disability insurance laws;

(4) A plan maintained outside of the United States primarily for the benefit of persons substantially all of whom are non-resident aliens;

(5) An unfunded "excess benefit plan," defined in section 3(36) of ERISA as "a plan maintained by an employer solely for the purpose of providing benefits for certain employees in excess of the limitations on contributions and benefits imposed by section 415 of the Internal Revenue Code of 1954 on plans to which that section applies, without regard to whether the plan is funded. To the extent that a separable part of a plan... maintained by an employer is maintained for such purpose, the part shall be treated as a separate plan which is an excess benefit plan."

Also excluded from coverage under the reporting provisions of Title I by virtue of their exclusion from the definition of an employee pension benefit plan under section 3(2) of ERISA are certain individual retirement accounts (IRA's) and certain Keogh (H.R. 10) plans.

Generally, an IRA trust established under section 408(c) of the Internal Revenue Code would be considered an employee pension benefit plan subject to the reporting and disclosure provisions of Title I; however, an IRA established by an individual under 408(a) of the Code would not in most instances constitute an employee pension benefit plan within the definition of section 3(2) of ERISA and 29 CFR 2510.3-2(d). A group of IRA's established under section 408(a) of the Internal Revenue Code could in some instances be considered an employee pension benefit plan within the definition of section 3(2) of ERISA and 29 CFR 2510.3-2(d). An important factor in determining whether such a group of IRA's would constitute an employee pension benefit plan would be the extent of involvement and participation of an employer or employee organization in establishing the IRA's. These matters will be decided on a case-by-case basis.

A Keogh plan established under section 401(a) of the Internal Revenue Code in which no employees other than a self-employed individual or members of a partnership are participants would not constitute an employee pension plan. However, a Keogh plan in which one or more common law employees of a self-employed individual or partnership are participants would constitute an employee pension benefit plan required to comply with the provisions of Part I, Title I.

Plans Exempted by Regulations.—The Secretary of Labor has by regulation exempted certain covered plans from filing a plan description with the Secretary. The exemption pertains to welfare plans with fewer than 100 participants (at all times during the plan year) that are either unfunded or funded exclusively through insurance contracts or both. (29 CFR 2520.104-20.) Welfare plans with fewer than 100 participants (at all times during the plan year) operating through a group insurance arrangement where there is a trust or association which receives premium payments from participating employers and makes a single premium payment to an insurance carrier have been exempted from filing a plan description with the Secretary. (29 CFR 2520.104-21.)

Caution: The following penalties are imposed by ERISA and will be administered by the Department of Labor:

Any individual who willfully violates any provision of Part I of Title I of ERISA shall upon conviction be fined not more than \$5,000 or imprisoned not more than one year, or both. See section 501 of ERISA.

A penalty up to \$10,000 or 5 years imprisonment, or both, is provided for any person who makes any false statement or representation of fact knowing it to be false, or knowingly conceals, covers up, or fails to disclose any fact required by ERISA. See section 111 of ERISA.

IV. Filing Entity

The EBS-1 Plan Description Form is to be signed and filed by the plan administrator. A separate form is required for each plan. This means that an employer who has established, for example, two separate covered pension plans and three separate covered welfare plans would need to ensure that five forms are filed with the Secretary of Labor.

A separate EBS-1 Form is to be filed for each employer utilizing a master or prototype plan. A separate form is also to be filed for each employer who participates in a trade or association plan. Only one EBS-1 Form is to be filed for a multi-employer plan (contributing employers are not to file individually). Corporations which are members of a controlled group of corporations or trades or businesses (whether or not incorporated) which are under common control as defined in Internal Revenue Code sections 414(b) and (c) and which have identical eligibility and benefit provisions are to file on only one form provided that a list of participating employers and their Employer Identification Numbers are attached.

V. When to File

The revised EBS-1 Plan Description Form must be filed by (1) May 30, 1976 for plans in existence as of January 31, 1976 or (2) within 120 days after the plan comes into existence or becomes subject to the Act.

VI. Where to File

All EBS-1 Forms are to be addressed and mailed to:

EBS-1
U.S. Department of Labor
Washington, D.C. 20216

Submit only one copy of Form EBS-1 for each plan required to file. One copy of the Summary Plan Description is to be submitted with the EBS-1.

VII. Preparing this Form

Before completing this form read the specific instructions for the individual items carefully.

Use a separate form for each separate plan. Type or print (in black ink). Forms must be legible to permit their reproduction through microfilming or other processes.

All items should be filled in or marked "none" or "N/A" (Not Applicable), as appropriate when the form is used as an initial filing.

If additional space is required to fully respond to questions in the Form EBS-1 attach additional sheets of the same size as this form and indicate the item number which the comments relate to. The employer identification number and plan number must be furnished at the top of each sheet.

All EBS-1 Forms submitted must be signed and dated.

VIII. Retention of Records

Records providing in sufficient detail the necessary basic information and data from which reports and other documents filed may be verified, explained or clarified, and checked for accuracy and completeness, must be maintained by plan administrators and kept available for examination for a period of not less than six years after the date on which such report would have been filed but for an

exemption granted by the Secretary. (Section 107 of ERISA.)

IX. Disclosure

The contents of this form will be made available for public examination in the Public Document Room of the U.S. Department of Labor and at appropriate area offices of the Labor-Management Services Administration of the Department. (Section 106 of ERISA.)

X. Plan Amendments

Any material modifications in the terms of the plan and any material changes in information required to be contained in the plan description shall be described in the appropriate item or items of this form. Only those items which have been changed as well as items A and B and items 1, 2, and 4 of the form should be completed for purposes of filing these material modifications and changes as required under section 101(b) (3) of ERISA. All amendments are to be filed within 60 days after the modification is adopted or occurs, using the EBS-1 Form.

For reporting purposes, material modification or change is construed to mean those changes which are most important to plan participants.

Specifically, all items on the EBS-1 are categorized below as material and non-material. Certain items listed as non-material are not classified as material for purposes of this form because they appear on the Annual Report. An item change in any item listed under the material category would require an amended filing:

Material

Non-Material

EBS-1

Item	Brief Description
1	Name, Address of Sponsor/Employer
2	Name, Address of plan administrator
3	Structure of plan
4	Name of plan
8	Agent for service of process
9	Type of plan
11	Persons performing functions for the plan
15	Sources and method of determining contributions
16	Method of asset accumulation
17	Procedure for presenting claims
18	Eligibility requirements
19	Vesting provisions
20	Features of portability or reciprocity
21	Length of service to determine participation, vesting, benefit accrual
22	Break in service rules
23	Requirements for pension benefits
24	Circumstances causing loss of pension benefits
25	Joint and survivor annuity
26	Disposition of employee's contributions
27	Requirements for welfare benefits
28	Circumstances causing loss of welfare benefits

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Item	Brief Description
5	DOL WP file number
6	Effective date of plan
7	Plan's fiscal year
10	Number of participants and beneficiaries
12	Collective bargaining agreements
13	Type of plan documents
14	Types of participants
29	Summary plan description provided to each participant
30	Summary plan description filed with EBS-1

SPECIFIC INSTRUCTIONS

(Numbered to correspond with the Item Numbers on Form EBS-1)

ERISA refers to the Employee Retirement Income Security Act of 1974. Code references are to the Internal Revenue Code of 1954.

Items Relating to Pension, Welfare and All Plans

Items A and B, 1 through 17 and items 29 and 30 pertain to all plans. Additionally, items 18 through 26 pertain to plans with pension provisions. Items 27 and 28 pertain to plans with welfare provisions. Plans with both pension and welfare provisions are to consider all items.

The following instructions are set out for specific line items, if there is need to further explain the line item.

Item A. Initial or Amended Filing

The form EBS-1 can be used both for initial filings and for reporting changes to data filed. Indicate whether this is an initial filing or an amended filing.

Item B. Amended Filing

Indicate the effective date of the amendment. Indicate whether a reduction of accrued pension benefits has or will occur.

PART I - ALL PLANS

1(a) Plan Sponsor

Enter the name and address of the plan sponsor. In all cases where the plan covers only the employees of one employer, enter the name of the employer.

The term "plan sponsor" means—

- (i) the employer in the case of an employee benefit plan established or maintained by a single employer,
- (ii) the employee organization in the case of a plan established or maintained by an employee organization or,
- (iii) in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

1(b) Identification Numbers
Enter the employer identification number (EIN) assigned by the Internal Revenue Service (IRS) to the plan sponsor/employer.

Employers and plan administrators who do not have an EIN should apply for one on Form SS-4, available from any IRS or Social Security Administration office.

1(c) Telephone Numbers

Enter business telephone number.

1(d) Employer Taxable Year End

For single employer plans, enter the day the employer's taxable year ends. For example, if the taxable year is a calendar year, enter December 31. For plans with more than one employer, enter "N/A."

1(e) Business Codes

From the list of business codes in the instructions, enter the one that best describes

the nature of the employer's business. If more than one employer is involved, enter the business code for the predominant business activity.

2(a) Name and Address of Plan Administrator

If the document constituting the plan appoints or designates a plan administrator, other than the sponsor/employer, enter the name and address.

The term "administrator" means—

- (i) the person or a group of persons specifically so designated by the terms of the instrument under which the plan is operated,
- (ii) if an administrator is not so designated, the plan sponsor/employer or,
- (iii) in the case of a plan for which an administrator is not designated and plan sponsor cannot be identified, such other person as prescribed by regulations of the Secretary of Labor.

2(b) Plan Administrator Identification Number

A plan administrator as defined in 2(a) above must have an EIN for reporting purposes. Enter the plan administrator's EIN here. If the plan administrator has no EIN, see 1(b) above.

3. Structure of Plan

A single-employer plan is a plan which is maintained by one employer or one employee organization. See section 414(b), (c) and (f) of the Code or 3(37) of ERISA for definitions of entities other than a single-employer plan.

For multiple plans other than those described in sections 414(b), (c) and (f) of the Code, check (d).

4. Name of Plan

(a) Enter the formal name of the plan or sufficient information to identify the plan.

(b) Enter the three digit number the employer or plan administrator assigned to the plan. All welfare plan numbers will start at 501. All other plans start at 001.

5. DOL WP Number

If this plan has previously been assigned a WP file number by the Department of Labor pursuant to the Welfare and Pension Plans Disclosure Act, enter it here; otherwise, enter "none."

6. Initial Effective Date of Plan

Enter the date on which the plan first became effective in accordance with the document which created the plan.

7. Ending Date of Plan's Fiscal Year

This date is the last day of the annual period on which the financial records of the plan are maintained. It may or may not coincide with a calendar or policy year end.

8. Agent for Service of Legal Process

If your answer to question 8 is no, enter the name and address of the person designated as agent for the service of legal process. This should be either the name of an individual or the title of the position occupied by the individual who will receive service. If no person has been designated to date, one

should be designated. A post office box is not satisfactory as the business address.

9. Type of Plan

Mark X in only one box to indicate the type of plan. If the plan provides more than one type of benefit, such as fixed and unit, mark X in "other" and specify.

Basic pension plan definitions are as follows:

(i) "Defined benefit plan" is a pension plan which provides definitely determinable benefits.

(ii) "Individual account or defined contribution" is a pension plan which provides for an individual account for each participant and for benefits based solely upon the amount contributed to the participant's account, and any income, expenses, gains and losses, and any forfeitures of accounts of other participants' account.

10. Number of Active and Retired Participants and Beneficiaries

Enter the number of active or retired participants or beneficiaries as requested from (a) through (f). In answering item (c), enter a separate figure for vested, non-vested and total active participants.

The term "participant" means any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit of any type from an employee benefit plan which covers employees of such employer or members of such organization, or whose beneficiaries may be eligible to receive any such benefit.

The term "beneficiary" means a person designated by a participant, or by the terms of an employee benefit plan, who is or may become entitled to a benefit thereunder.

For welfare plans, dependents are considered to be neither participants nor beneficiaries.

11. Administration of the Plan

Mark X in the appropriate box to indicate the persons performing each function involved in the administration of the plan. The person may be the plan sponsor, plan administrator, trustee, insurance carrier, contract administrator, professional investment management company, pension committee, labor organization, etc. The insurance carrier includes such organizations as Blue Cross-Blue Shield and Health Maintenance Organizations.

12. Collective Bargaining Agreements

If this plan was established or is maintained pursuant to one or more collective bargaining agreements, check "Yes."

A plan established or maintained pursuant to a collective bargaining agreement is one which was originally established by a collective bargaining agreement (or some other document such as a supplemental agreement, an addenda, or a letter or memorandum of understanding), or which was originally established unilaterally by an employer or employee organization but since has been brought within the scope of collective bargaining, at least to the extent that the agreement (or other such document) establishes the employer responsibility for providing benefits.

13. Type of Documents

Mark X in the appropriate box to indicate type of document establishing or affecting the plan, e.g., plan, trust, rules and regulations governing the operations of the plan, and contract other than collective bargaining agreements.

NOTE: Do not submit copies of plan documents to the DOL.

14. Type of Participants

If all types of employees are eligible to participate, mark X in the first box; otherwise mark X in each applicable box. The categories are not mutually exclusive; for example, "hourly employees" may include "employees covered by collective bargaining" so both boxes should be checked in such case.

15. Sources and Methods of Determining Contributions to the Plan

Mark X in the appropriate box under *Employer Contribution* to indicate the source of funds and method of contribution calculation. If an X is entered in (a) Fixed rate, also mark X in the appropriate box to indicate time such as per hour, day, week, month or annum.

Mark X in the appropriate box under *Employee Contribution* to indicate the source of funds and method of contribution calculation. If an X is entered in (b) Fixed rate, also mark X in the appropriate box to indicate time such as per hour, day, week, month or annum.

16. Type of Funding

Indicate the method used to accumulate funds and the method used to disburse benefits by marking X in applicable boxes. In particular, note that trust fund includes separately maintained funds.

PART II - PLANS WITH PENSION PROVISIONS**18. Eligibility Requirements**

(a) Indicate the age and length of service expressed in term of years needed to meet the general eligibility requirements for participation under the plan. Describe combinations of above, if the eligibility rules require a combination of age and service, e.g., 1 year of service and 25 years of age.

(b) Indicate maximum age at which no employee is/may become a participant in the plan.

(c) Indicate any other eligibility requirement under the plan.

19. Vesting Provisions

(a) Indicate the vesting provisions provided under the plan by marking X in the

applicable box. If "none" of those listed are applicable, describe under "other."

21. Length of Service

For rules and definitions applicable to year of service, computation period, and employment commencement date see 29 CFR 2530 (published in the *Federal Register* on Monday September 8, 1975).

(b) Indicate the number of hours required for one year of service for purposes of participation, vesting or benefit accrual, for example, 1000 hours.

22. Break in Service

For rules and definitions applicable to break in service see 29 CFR 2530 (published in the *Federal Register* on Monday, September 8, 1975).

(b) Indicate the minimum number of hours needed to avoid a break in service, for example, 501 hours.

23. Pension Benefits

Mark X in all applicable boxes to indicate type of benefits provided under the plan and mark X in applicable boxes to indicate the requirements, such as age only, service only, combination of age and service or others, for attaining the benefits provided. Types of benefits are defined below.

Normal Retirement—An employee qualifying for normal retirement benefits receives the full benefit to which his earnings and length of service entitle him.

Early Retirement—Under an early retirement provision an employee can retire before becoming eligible for normal retirement benefit and receive an immediate benefit.

Deferred Vested Benefit—This is a legally enforceable right of an employee to a benefit should his employment be terminated before he becomes eligible for an immediate retirement benefit.

Disability Retirement—This provision is to permit an employee who becomes disabled, as defined in the plan, before the normal retirement age to retire with an immediate benefit.

Death Benefit—A plan participant is covered by a life insurance policy or other coverage that provides benefits including annuities (incidental to his pension benefits) to his survivors (except for the joint and survivor option).

25. Joint and Survivor Annuity

Mark X in applicable box in questions (a) and (b).

Pension plans which provide for pension payments in the form of an annuity must provide for a qualified joint and survivor annuity. The term "qualified joint and sur-

vivor annuity" means an annuity for the life of the participant with a survivor annuity for the life of his spouse which is not less than one-half of, or greater than, the amount of the annuity payable during the joint lives of the participant and his spouse and which is the actuarial equivalent of a single annuity for the life of the participant.

PART III - PLANS WITH WELFARE PROVISIONS**27. Welfare Benefits**

Mark X in all applicable boxes for which the plan provides benefits and mark X or otherwise complete information indicating the requirements for attaining the benefits provided, e.g., mark X opposite hospital and under immediate if hospital coverage applies to participants immediately. Also, e.g., where a waiting period of 30 days or 2 months is required in order for the benefit to apply, indicate such waiting period. If some other requirements apply, indicate under "other" appropriate response.

Only certain welfare plans need file. For further discussion see Part III of the General Instructions.

PART IV - ALL PLANS**30. Summary Plan Description Filed with EBS-1 Form**

Mark X in the applicable box to indicate whether a copy of the summary plan description is being filed with the EBS-1 Form. It is required that these two documents be filed together with the Department of Labor.

Signatures

Form EBS-1 must be signed and dated by the plan administrator. Where the plan administrator is a joint employer-union board or committee, at least one employer representative and one union representative must sign the plan description.

Where the plan administrator is a board or committee of trustees appointed by a corporation, one trustee signature will suffice for signature purposes provided that there is an affirmative authorization by the board of directors of the corporation noted in the corporation minute book empowering the corporation trustees to delegate the signing of the report to one of the trustees, as signing on behalf of all others as plan administrator.

If no plan administrator has been designated by the terms of the instrument under which the plan is operated, a representative of the plan sponsor must be designated to sign for the plan sponsor as plan administrator.

Code for Principal Business Activity and Principal Product or Service

These industry titles and definitions are based, in general, on the Enterprise Standard Industrial Classification system developed by the Office of Management and Budget, Executive Office of the President, to classify enterprises by type of activity in which they are engaged. The system follows closely the Standard Industrial Classification used to classify establishments.

AGRICULTURE, FORESTRY, AND FISHING

Code
Farms:
0120 Field crop.
0150 Fruit, tree nut, and vegetable.
0180 Horticultural specialty.
0230 Livestock.
0270 Animal specialty.
Agricultural services and forestry:
0740 Veterinary services.
0750 Animal services, except veterinary.
0780 Landscape and horticultural services.
0790 Other agricultural services.
0800 Forestry.

Fishing, hunting, and trapping:
0930 Commercial fishing, hatcheries and preserves.
0970 Hunting, trapping, and game propagation.

MINING

Metal mining:
1010 Iron ores.
1070 Copper, lead and zinc, gold and silver ores.
1098 Other metal mining.
1150 Coal mining.
Oil and gas extraction:
1330 Crude petroleum, natural gas, and natural gas liquids.
1380 Oil and gas field services.

Nonmetallic minerals (except fuels) mining:
1430 Dimension, crushed and broken stone; sand and gravel.
1498 Other nonmetallic minerals, except fuels.

CONSTRUCTION

General building contractors and operative builders:
1510 General building contractors.
1531 Operative builders.

Heavy construction contractors:
1611 Highway and street construction.
1620 Heavy construction, except highway.

Special trade contractors:
1711 Plumbing, heating, and air conditioning.
1721 Painting, paper hanging, and decorating.
1731 Electrical work.
1740 Masonry, stonework, and plastering.
1750 Carpentering and flooring.
1761 Roofing and sheet metal work.
1771 Concrete work.
1781 Water well drilling.
1790 Miscellaneous special trade contractors.

MANUFACTURING

Food and kindred products:
2010 Meat products.
2020 Dairy products.
2030 Preserved fruits and vegetables.
2040 Grain mill products.
2050 Bakery products.
2060 Sugar and confectionery products.
2081 Malt liquors and malt.
2088 Alcoholic beverages except malt liquors and malt.
2089 Bottled soft drinks, and flavorings.
2096 Other food and kindred products.
2100 Tobacco manufacturers.

Textile mill products:
2228 Weaving mills and textile finishing.
2250 Knitting mills.
2293 Other textile mill products.

Apparel and other textile products:
2315 Men's and boy's clothing.
2345 Women's and children's clothing.
2388 Hats, caps, millinery, fur goods, and other apparel and accessories.
2390 Misc. fabricated textile products.

Lumber and wood products, except furniture:
2415 Logging camps and logging contractors, sawmills and planing mills.
2430 Millwork, plywood, and related products.
2498 Other wood products, including wood buildings and mobile homes.
2500 Furniture and fixtures.

Paper and allied products:
2625 Pulp, paper, and board mills.
2699 Other paper products.

Printing, publishing, and allied industries:
2710 Newspapers.
2720 Periodicals.
2735 Books, greeting cards, and misc. publishing.
2799 Commercial and other printing, and printing trade services.

Chemicals and allied products:
2815 Industrial chemicals, plastics materials and synthetics.
2830 Drugs.
2840 Soap, cleaners, and toilet goods.
2850 Paints and allied products.
2898 Agricultural and other chemical products.

Petroleum refining and related industries (including those integrated with extraction):
2910 Petroleum refining (including those integrated with extraction).
2998 Other petroleum and coal products.

Rubber and misc. plastics products:
3050 Rubber products; plastics footwear, hose and belting.
3070 Misc. plastics products.

Leather and leather products:
3140 Footwear, except rubber.
3198 Other leather and leather products.

Stone, clay, glass, and concrete products:
3225 Glass products.
3240 Cement, hydraulic.
3270 Concrete, gypsum, and plaster products.
3298 Other nonmetallic mineral products.

Primary metal industries:
3370 Ferrous metal industries; misc. primary metal products.
3380 Nonferrous metal industries.

Fabricated metal products, except machinery and transportation equipment:
3410 Metal cans and shipping containers.
3428 Cutlery, hand tools, and hardware; screw machine products, bolts, and similar products.
3430 Plumbing and heating, except electric and warm air.
3440 Fabricated structural metal products.
3460 Metal forgings and stampings.
3470 Coating, engraving, and allied services.
3480 Ordnance and accessories, except vehicles and guided missiles.
3490 Misc. fabricated metal products.

Machinery, except electrical:
3520 Farm machinery.
3530 Construction, mining, and materials handling machinery and equipment.
3540 Metalworking machinery.
3550 Special industry machinery, except metalworking machinery.
3560 General industrial machinery.
3570 Office, computing, and accounting machines.
3598 Engines and turbines, service industry machinery, and other machinery, except electrical.

Electrical and electronic machinery, equipment, and supplies:
3630 Household appliances.
3665 Radio, television, and communication equipment.
3670 Electronic components and accessories.
3698 Other electric equipment.

Transportation equipment:
3710 Motor vehicles and equipment.
3725 Aircraft, guided missiles and parts.
3730 Ship and boat building and repairing.
3798 Other transportation equipment.

Measuring and controlling instruments; photographic and medical goods, watches and clocks:
3815 Scientific instruments and measuring devices; watches and clocks.
3845 Optical, medical, and ophthalmic goods.
3860 Photographic equipment and supplies.
3998 Other manufacturing products.

TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, AND SANITARY SERVICES

Transportation:

4000 Railroad transportation.

Local and interurban passenger transit:

4121 Taxicabs.

4189 Other passenger transportation.

Trucking and warehousing:

4210 Trucking, local and long distance.

4289 Public warehousing and trucking terminals.

Other transportation including transportation services:

4400 Water transportation.

4500 Transportation by air.

4600 Pipe lines, except natural gas.

4722 Passenger transportation arrangement.

4723 Freight transportation arrangement.

4799 Other transportation services.

Communication:

4825 Telephone, telegraph, and other communication services.

4830 Radio and television broadcasting.

Electric, gas, and sanitary services:

4910 Electric services.

4920 Gas production and distribution.

4930 Combination utility services.

4990 Water supply and other sanitary services.

WHOLESALE TRADE

Durable

5010 Motor vehicles and automotive equipment.

5030 Lumber and construction materials.

5050 Metals and minerals, except petroleum and scrap.

5060 Electrical goods.

5070 Hardware, plumbing and heating equipment.

5083 Farm machinery and equipment.

5089 Other machinery, equipment, and supplies.

5098 Other durable goods.

Nondurable

5110 Paper and paper products.

5129 Drugs, chemicals, and allied products.

5130 Apparel, piece goods, and notions.

5140 Groceries and related products, except meats and meat products.

5147 Meats and meat products.

5150 Farm-product raw materials.

5170 Petroleum and petroleum products.

5180 Alcoholic beverages.

5190 Misc. nondurable goods.

RETAIL TRADE

Building materials, hardware, garden supply, and mobile home dealers:

5220 Building materials dealers.

5251 Hardware stores.

5261 Retail nurseries and garden stores.

5271 Mobile home dealers.

General merchandise:

5331 Variety stores.

5398 Other general merchandise stores.

Food stores:

5411 Grocery stores.

5420 Meat and fish markets and freezer provisioners.

5431 Fruit stores and vegetable markets.

5441 Candy, nut, and confectionery stores.

5460 Retail bakeries.

5480 Other food stores.

Automotive dealers and service stations:

5511 New and used car dealers.

5521 Used car dealers.

5531 Auto and home supply stores.

5541 Gasoline service stations.

5580 Boat, aircraft and other automotive dealers.

Apparel and accessory stores:

5611 Men's and boys' clothing and furnishings.

5621 Women's ready-to-wear stores.

5631 Women's accessory and specialty stores.

5651 Family clothing stores.

5661 Shoe stores.

5681 Furriers and fur shops.

5698 Other apparel and accessory stores.

Furniture, home furnishings, and equipment stores:

5712 Furniture stores.

5718 Home furnishings, except appliances.

5722 Household appliance stores.

5730 Radio, television, and music stores.

Eating and drinking places:

5812 Eating places.

5813 Drinking places.

Miscellaneous retail stores:

5912 Drug stores and proprietary stores.

5921 Liquor stores.

5931 Used merchandise stores.

5941 Sporting goods stores and bicycle shops.

5942 Book stores.

5943 Stationery stores.

5944 Jewelry stores.

5945 Hobby, toy, and game shops.

5946 Camera and photographic supply stores.

5947 Gift, novelty, and souvenir shops.

5948 Luggage and leather goods stores.

5949 Sewing, needlework, and piece goods stores.

5961 Mail order houses.

5962 Merchandising machine operators.

5963 Direct selling organizations.

5980 Fuel and ice dealers.

5992 Florists.

5993 Cigar stores and stands.

5996 Other miscellaneous retail stores.

FINANCE, INSURANCE, AND REAL ESTATE

Banking:

6030 Mutual savings banks.

6050 Bank holding companies.

6090 Banks, except mutual savings banks and bank holding companies.

Credit agencies other than banks:

6120 Savings and loan associations.

6140 Personal credit institutions.

6150 Business credit institutions.

6199 Other credit agencies.

Security, commodity brokers, dealers, exchanges, and services:

6212 Security underwriting syndicates.

6218 Security brokers and dealers, except underwriting syndicates.

6299 Commodity contracts brokers and dealers; security and commodity exchanges; and allied services.

Insurance:

6355 Life insurance.

6356 Mutual insurance, except life or marine and certain fire or flood insurance companies.

6359 Other insurance companies.

6411 Insurance agents, brokers, and services.

Real Estate:

6511 Real estate operators (except developers) and lessors of buildings.

6516 Lessors of mining, oil, and similar property.

6518 Lessors of railroad property and other real property.

6531 Real estate agents, brokers and managers.

6541 Title abstract offices.

6552 Subdividers and developers, except cemeteries.

6553 Cemetery subdividers and developers.

6599 Other real estate.

6611 Combined real estate, insurance, loans and law offices.

Holding and other investment companies:

6742 Regulated investment companies.

6743 Real estate investment trusts.

6744 Small business investment companies.

6749 Holding and other investment companies, except bank holding companies.

SERVICES

Hotels and other lodging places:

7012 Hotels.

7013 Motels, motor hotels, and tourist courts.

7032 Sporting and recreational camps.

7033 Trailer parks and camp sites.

7089 Other lodging places.

Personal services:

7215 Coin-operated laundries and dry cleaning.

7219 Other laundry, cleaning, and garment services.

7221 Photographic studios, portrait.

7231 Beauty shops.

7241 Barber shops.

7251 Shoe repair and hat cleaning shops.

7261 Funeral services and crematories.

7299 Miscellaneous personal services.

Business services:

7310 Advertising.

7340 Services to buildings.

7370 Computer and data processing services.

7392 Management, consulting, and public relations services.

7394 Equipment rental and leasing.

7398 Other business services.

Automotive repair and services:

7510 Automotive rentals and leasing, without drivers.

7520 Automobile parking.

- 7531 Automobile top and body repair shops.
- 7538 General automobile repair shops.
- 7539 Other automotive repair shops.
- 7540 Automotive services, except repair.

Miscellaneous repair services:

- 7622 Radio and TV repair shops.
- 7628 Electrical repair shops, except radio and TV.
- 7641 Reupholstery and furniture repair.
- 7680 Other miscellaneous repair shops.

Motion pictures:

- 7812 Motion picture production, distribution, and services.
- 7830 Motion picture theaters.

Amusement and recreation services:

- 7920 Producers, orchestras, and entertainers.
- 7932 Billiard and pool establishments.
- 7933 Bowling alleys.
- 7980 Other amusement and recreation services.

Medical and health services:

- 8011 Offices of physicians.
- 8021 Offices of dentists.
- 8031 Offices of osteopathic physicians.
- 8041 Offices of chiropractors.
- 8042 Offices of optometrists.
- 8048 Registered and practical nurses.
- 8050 Nursing and personal care facilities.
- 8060 Hospitals.
- 8071 Medical laboratories.

- 8072 Dental laboratories.

- 8098 Other medical and health services.

Other services:

- 8111 Legal services.
- 8200 Educational services.
- 8911 Engineering and architectural services.
- 8932 Certified public accountants.
- 8933 Other accounting, auditing, and book-keeping services.
- 8999 Other services, not elsewhere classified.

TAX-EXEMPT ORGANIZATIONS

- 9001 Church.
- 9319 Other tax-exempt organization.
- 9904 Governmental instrumentality or agency.

PROPOSED RULES

(Sec. 109(a), Pub. L. 93-406, 88 Stat. 850, 29 U.S.C. 1029; Secretary of Labor's Order No. 27-74, Labor-Management Services Administration Order No. 2-6.)

Issued in Washington, D.C. this 8th day of October 1975.

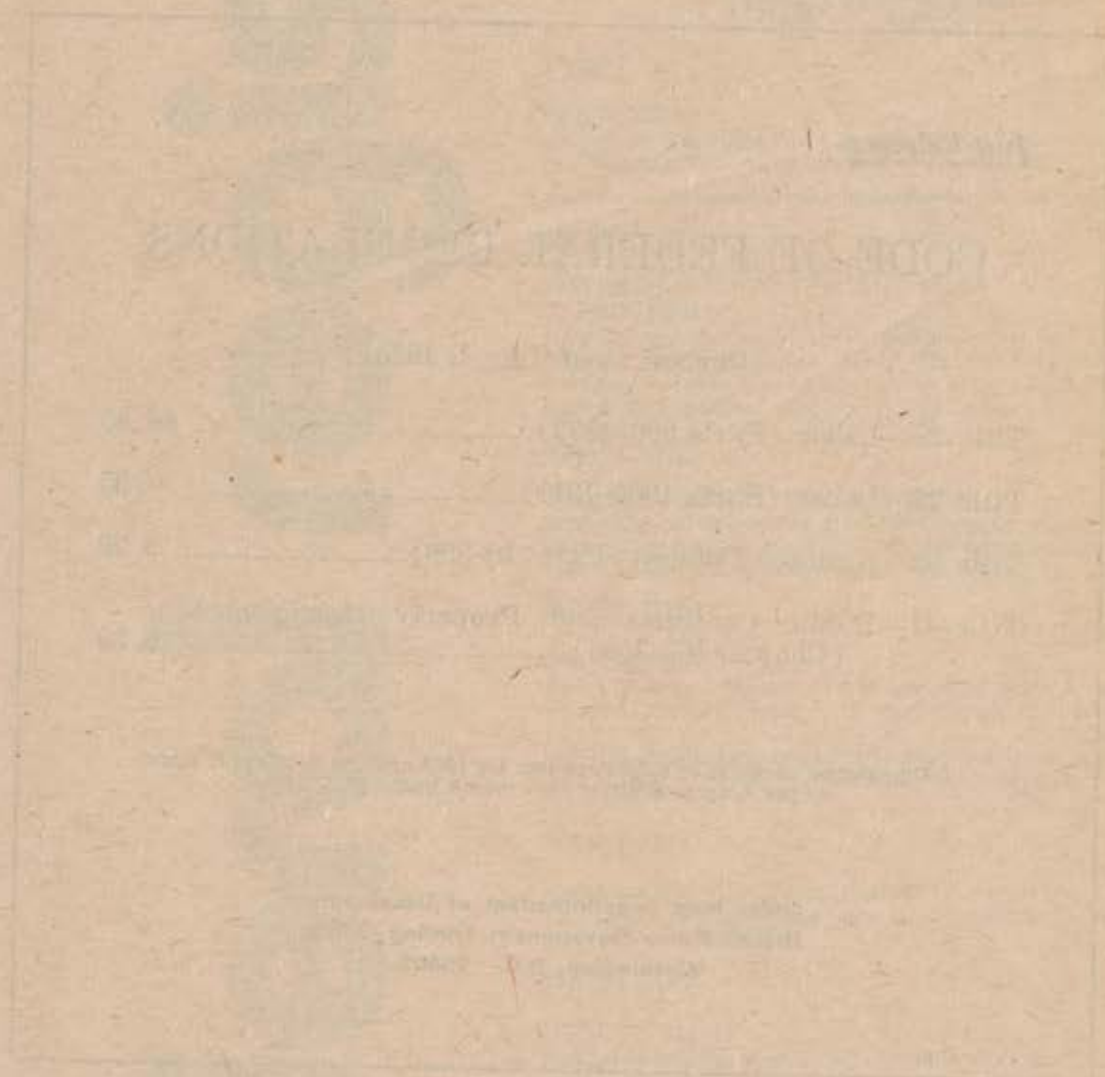
JAMES D. HUTCHINSON,
*Administrator for Pension and
Welfare Benefits Program.*

[FR Doc. 75-27561 Filed 10-9-75; 8:45 am]

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CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 29—Labor (Parts 500–1899)-----	\$6.85
Title 29—Labor (Parts 1900–1919)-----	7.35
Title 32—National Defense (Parts 40–399)-----	5.99
Title 41—Public Contracts and Property Management (Chapter 101–End) -----	6.20

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 11]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402